

KFM House journal, 1997 Vol.2

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**HOUSE JOURNAL
FORTY-FIFTH LEGISLATIVE DAY**

Helena, Montana
February 26, 1997

House Chambers
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Vick. Pledge of Allegiance to the Flag.

Roll call. All members present except Representative Marshall, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journal for the forty-third legislative day, find the same to be correct.

Hayne, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman):

2/26/97

Correctly engrossed for third reading: HB 541, HB 389, HB 140, HB 462, HB 240, HB 49, HB 560, HB 543, HB 542, HJR 21.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/25/97

SB 270, introduced by Benedict
SB 286, introduced by Crippen
SB 287, introduced by Crismore
SB 290, introduced by Keating
SB 300, introduced by Thomas
SB 308, introduced by Beck
SB 311, introduced by McCarthy
SB 320, introduced by Brooke
SB 325, introduced by Crismore
SB 334, introduced by Grosfield
SB 337, introduced by Grosfield
SB 339, introduced by Grosfield
SB 340, introduced by Grosfield
SB 342, introduced by Brooke
SB 343, introduced by Thomas
SB 349, introduced by Keating
SB 350, introduced by McNutt
SB 359, introduced by Toews
SB 361, introduced by Benedict
SB 375, introduced by Thomas
SB 379, introduced by Lynch
SB 381, introduced by Benedict

Senate joint resolutions passed and transmitted to the House for concurrence:

2/25/97

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SJR 6, introduced by Thomas

SJR 12, introduced by Foster

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 78 passed as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Brainard, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Dowell, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 83

Noes: Adams, Arnott, Bergsagel, Boharski, Carey, Devaney, Ellingson, Grimes, Hagener, Jore, Keenan, Orr, Pease, Peck, Prouse, Vick, Wagner.

Total 17

Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 90 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, Kasten, Kitzenberg, Knox, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 78

Noes: Adams, Barnhart, Boharski, Curtiss, Galvin, Gillan, Hagener, R. Johnson, Jore, Keenan, Kottel, Krenzler, McCann, Prouse, Rehbein, Sliter, Trexler, Tuss, Vick, Whitehead, Wyatt.

Total 21

Voted Absentee: Marshall, Aye.

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Excused: None.

Total 0

Absent or not voting: Bitney.

Total 1

HB 91 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Wagner, Walters, Wells, Whitehead, Zook, Mr. Speaker.

Total 84

Noes: Adams, Boharski, Cobb, DeBruycker, R. Johnson, Jore, Keenan, McCann, Prouse, Rehbein, Soft, Vick, Wyatt.

Total 13

Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

Absent or not voting: Bookout, Tuss, Wiseman.

Total 3

HB 110 passed as follows:

Ayes: Ahner, Bankhead, Beaudry, Bergman, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, Denny, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Walters, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 71

Noes: Adams, Anderson, Arnott, Barnett, Barnhart, Bergsagel, Bitney, Boharski, Cobb, DeBruycker, Devaney, Feland, Grimes, Holland, Jore, Kasten, Keenan, McGee, Orr, Prouse, Rehbein, Simpkins, Smith, Soft, Trexler, Vick, Wagner, Wells.

Total 28

Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

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Absent or not voting: Whitehead.

Total 1

HB 121 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Molnar, Mood, Ohs, Pavlovich, Pease, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 85

Noes: Adams, Bergsagel, Cobb, Hurdle, Jore, Keenan, Kottel, McCann, Orr, Peck, Prouse, Simpson, Wagner, Wyatt.

Total 14

Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

Absent or not voting: Mills.

Total 1

HB 142 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Ewer, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Sands, Simon, Simpkins, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 81

Noes: Barnhart, Cobb, Galvin, Gillan, Hagener, Harrington, Hurdle, J. Johnson, Kottel, Krenzler, Peck, Ryan, Schmidt, Simpson, Tropila, Tuss, Whitehead, Wyatt.

Total 18

Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

Absent or not voting: Ellingson.

Total 1

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HB 146 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Brainard, Jore, Prouse, Wells.

Total 4

Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 160 passed as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Arnott, Boharski, Curtiss, DeBruycker, Jore, Kasten, Keenan, Rehbein, Vick, Wagner.

Total 10

Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 173 passed as follows:

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Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 79

Noes: Adams, Arnott, Bergsagel, Boharski, Brainard, Curtiss, DeBruycker, Devaney, Jore, Kasten, Keenan, McCann, Orr, Peck, Prouse, Rehbein, Story, Trexler, Vick, Wagner, Wells.

Total 21

Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 174 passed as follows:

Ayes: Ahner, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Denny, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 75

Noes: Adams, Anderson, Arnott, Bergsagel, Boharski, Brainard, Curtiss, DeBruycker, Devaney, Feland, Holland, Jore, Kasten, Keenan, Masolo, McCann, McGee, Orr, Prouse, Rehbein, Story, Vick, Wagner, Walters, Wells.

Total 25

Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 178 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Barnett, Barnhart, Beaudry, Bergsagel, Bitney, Bohlinger, Brainard, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grinde,

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Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, Kasten, Keenan, Kitzenberg, Kottel, Krenzler, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Squires, Stovall, Swanson, Tropila, Tuss, Vick, Walters, Whitehead, Wyatt.

Total 73

Noes: Bankhead, Bergman, Boharski, Bookout, DeBruycker, Feland, Grady, Grimes, M. Hanson, R. Johnson, Jore, Knox, Lawson, McCann, Rehbein, Smith, Soft, Story, Tash, Taylor, Trexler, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 26

Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

Absent or not voting: Carey.

Total 1

HB 203 passed as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 83

Noes: Adams, Arnott, Boharski, Brainard, DeBruycker, Feland, Jore, Keenan, McGee, Molnar, Orr, Prouse, Simpkins, Vick, Wagner, Wells.

Total 16

Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

Absent or not voting: Denny.

Total 1

HB 216 passed as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee,

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Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 83

Noes: Adams, Arnott, Bergsagel, Boharski, Brainard, Curtiss, R. Johnson, Jore, Kasten, Keenan, McCann, Peck, Rehbein, Trexler, Vick, Wagner.

Total 16

Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

Absent or not voting: Clark.

Total 1

HB 217 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellis, Ewer, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McGee, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rose, Sands, Schmidt, Simon, Simpkins, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 74

Noes: Adams, Boharski, Brainard, DeBruycker, Dowell, Ellingson, Feland, Galvin, Hagener, Hurdle, Jore, Kottel, McCulloch, Menahan, Pease, Peck, Prouse, Rehbein, Ryan, Simpson, Smith, Tropila, Tuss, Vick, Wagner, Whitehead.

Total 26

Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 224 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McCann, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Prouse, Quilici, Raney, Rehbein, Rose, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook,

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Mr. Speaker.

Total 77

Noes: Barnhart, Carey, Cocchiarella, Ellingson, Ewer, Galvin, Gillan, Hagener, Heavy Runner, Hurdle, Kottel, Krenzler, McCulloch, Pease, Peck, Ream, Ryan, Sands, Schmidt, Smith, Tuss, Whitehead.

Total 22

Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

Absent or not voting: Bergsagel.

Total 1

HB 231 passed as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergsagel, Bohlinger, Bookout, Carey, Cobb, Cocchiarella, DeBruycker, Denny, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 74

Noes: Adams, Arnott, Bergman, Bitney, Boharski, Brainard, Clark, Curtiss, Devaney, Feland, Hayne, Jore, Kasten, Keenan, McGee, Molnar, Mood, Orr, Prouse, Simpkins, Sliter, Vick, Wagner, Wells.

Total 24

Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

Absent or not voting: Grimes, Mills.

Total 2

HB 265 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pease, Prouse, Raney, Rehbein, Rose, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Zook, Mr. Speaker.

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Total 87

Noes: Beaudry, Cobb, Harrington, J. Johnson, Krenzler, Pavlovich, Peck, Quilici, Ream, Ryan.

Total 10

Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

Absent or not voting: Feland, Wiseman, Wyatt.

Total 3

HB 293 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Kitzenberg, Knox, Lawson, Marshall, Masolo, McCann, McGee, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Prouse, Rehbein, Rose, Ryan, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 65

Noes: Barnhart, Bohlinger, Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Grady, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Keenan, Kottel, Krenzler, McCulloch, Pease, Peck, Quilici, Raney, Ream, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.

Total 34

Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

Absent or not voting: Menahan.

Total 1

HB 299 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Lawson, Marshall, Masolo, McGee, Mills, Molnar, Mood, Ohs, Orr, Prouse, Rehbein, Simon, Simpkins, Sliter, Smith, Soft, Tash, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 56

Noes: Barnhart, Bohlinger, Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kitzenberg, Kottel, Krenzler, McCann, McCulloch, Menahan, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simpson, Squires, Story,

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Stovall, Swanson, Taylor, Trexler, Tropila, Tuss, Whitehead, Wyatt.
Total 43

Voted Absentee: Marshall, Aye.

Excused: None.
Total 0

Absent or not voting: Grady.
Total 1

HB 323 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Feland, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Peck, Prouse, Quilici, Raney, Rehbein, Rose, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 83

Noes: Barnhart, Carey, Cocchiarella, Ellingson, Ewer, Galvin, Harper, Heavy Runner, Hibbard, Hurdle, Pease, Ream, Ryan, Sands, Swanson, Tuss.
Total 16

Voted Absentee: Marshall, Aye.

Excused: None.
Total 0

Absent or not voting: Grady.
Total 1

HB 365 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Holland, Jore, Kasten, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McGee, Mills, Molnar, Mood, Ohs, Orr, Peck, Prouse, Quilici, Rehbein, Rose, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Trexler, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.
Total 68

Noes: Barnhart, Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Hibbard, Hurdle, J. Johnson, R. Johnson, Kottel, McCulloch, Menahan, Pavlovich, Pease, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Taylor, Tuss, Whitehead, Wyatt.
Total 31

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Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

Absent or not voting: Bookout.

Total 1

HB 369 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Ewer, Feland, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Peck, Prouse, Raney, Rehbein, Rose, Ryan, Sands, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 85

Noes: Cocchiarella, Dowell, Ellingson, Galvin, Heavy Runner, Hurdle, Krenzler, McCann, Pavlovich, Pease, Quilici, Ream, Schmidt, Whitehead.

Total 14

Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

Absent or not voting: Bookout.

Total 1

HB 387 passed as follows:

Ayes: Adams, Ahner, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Anderson, DeBruycker, Ellis, Hagener, Hurdle, Jore, Kasten, Keenan, Krenzler, Soft.

Total 10

Voted Absentee: Marshall, Aye.

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Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 390 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 97

Noes: DeBruycker, Heavy Runner.
Total 2

Voted Absentee: Marshall, Aye.

Excused: None.
Total 0

Absent or not voting: Simon.
Total 1

HB 394 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McGee, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Prouse, Quilici, Raney, Rehbein, Rose, Ryan, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 77

Noes: Carey, Cocchiarella, Ellingson, Ewer, Galvin, Gillan, Hagener, Harrington, Hurdle, J. Johnson, Kottel, McCulloch, Menahan, Pease, Peck, Ream, Sands, Schmidt, Simpson, Squires, Swanson, Tuss, Whitehead.
Total 23

Voted Absentee: Marshall, Aye.

Excused: None.
Total 0

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Absent or not voting: None.
Total 0

HB 395 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Clark, Cobb, Curtiss, Devaney, Ellis, Feland, Gillan, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Kitzenberg, Knox, Marshall, Masolo, McGee, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Prouse, Quilici, Rehbein, Rose, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.
Total 62

Noes: Barnhart, Bohlinger, Carey, Cocchiarella, DeBruycker, Denny, Dowell, Ellingson, Ewer, Galvin, Grady, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Keenan, Kottel, Krenzler, Lawson, McCann, McCulloch, Menahan, Pease, Peck, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.
Total 38

Voted Absentee: Marshall, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 402 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 100

Noes: None.
Total 0

Voted Absentee: Marshall, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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HB 408 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Hurdle.

Total 1

Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

Absent or not voting: Clark, Rose, Trexler, Tuss.

Total 4

HB 423 passed as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Walters, Whitehead, Wiseman, Wyatt, Mr. Speaker.

Total 79

Noes: Adams, Arnott, Bergsagel, Boharski, Brainard, Curtiss, DeBruycker, Feland, Holland, Jore, Kasten, Keenan, McGee, Orr, Prouse, Rehbein, Taylor, Vick, Wagner, Wells, Zook.

Total 21

Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 429 passed as follows:

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Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Feland, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, Holland, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Prouse, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 76

Noes: Barnhart, Carey, Cocchiarella, Ellingson, Ewer, Galvin, Harper, Heavy Runner, Hurdle, J. Johnson, R. Johnson, Krenzler, McCann, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Story, Trexler, Tropila, Tuss, Whitehead.
Total 24

Voted Absentee: Marshall, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 430 passed as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 81

Noes: Adams, Arnott, Bergsagel, Boharski, Brainard, Curtiss, Devaney, Jore, Kasten, Keenan, McCann, Peck, Prouse, Rehbein, Sliter, Story, Vick, Wagner, Walters.
Total 19

Voted Absentee: Marshall, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 444 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney,

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Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 99

Noes: Hagener.
Total 1

Voted Absentee: Marshall, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 447 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Ewer, Feland, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Peck, Prouse, Quilici, Raney, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 92

Noes: Barnhart, Cocchiarella, Ellingson, Galvin, Harrington, Pease, Ream, Whitehead.
Total 8

Voted Absentee: Marshall, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 461 passed as follows:

Ayes: Barnhart, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Devaney, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kitzenberg, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Squires, Stovall, Swanson, Tropila, Tuss, Whitehead, Wiseman, Wyatt,

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Mr. Speaker.

Total 51

Noes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Curtiss, DeBruycker, Denny, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, McCann, McGee, Molnar, Orr, Prouse, Rehbein, Simpkins, Sliter, Smith, Soft, Story, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Zook.

Total 49

Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 464 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Hagener, Hurdle, R. Johnson, Kottel, Peck, Ryan.

Total 6

Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 468 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands,

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Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: Jore.

Total 1

Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

Absent or not voting: Pavlovich.

Total 1

HB 469 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Lawson, Marshall, McCann, McGee, Mills, Molnar, Mood, Ohs, Orr, Prouse, Raney, Rehbein, Rose, Ryan, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 70

Noes: Bohlinger, Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Hurdle, J. Johnson, Kitzenberg, Kottel, Krenzler, Masolo, McCulloch, Menahan, Pavlovich, Pease, Peck, Quilici, Ream, Sands, Schmidt, Squires, Swanson, Tuss, Whitehead.

Total 30

Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 480 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Ewer, Feland, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Peck, Prouse, Rehbein, Rose, Ryan, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 81

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Noes: Bergsagel, Carey, Cocchiarella, Dowell, Ellingson, Galvin, Harper, Harrington, Hurdle, Pavlovich, Pease, Quilici, Raney, Ream, Sands, Tuss, Whitehead.

Total 17

Excused: Marshall.

Total 1

Absent or not voting: Clark.

Total 1

HB 489 passed as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bitney, Boharski, Bookout, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, Holland, J. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, McCann, McGee, Mills, Molnar, Mood, Ohs, Orr, Peck, Prouse, Rehbein, Rose, Ryan, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 67

Noes: Arnott, Barnhart, Bergsagel, Bohlinger, Carey, Cobb, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Heavy Runner, Hurdle, R. Johnson, Kottel, Krenzler, Lawson, Masolo, McCulloch, Menahan, Pavlovich, Pease, Quilici, Raney, Ream, Sands, Schmidt, Squires, Whitehead, Wyatt.

Total 33

Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 491 passed as follows:

Ayes: Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Kitzenberg, Knox, Marshall, Masolo, McCann, McGee, Menahan, Mills, Molnar, Mood, Orr, Peck, Prouse, Quilici, Rehbein, Rose, Ryan, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 67

Noes: Adams, Ahner, Barnhart, Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hurdle, Keenan, Kottel, Krenzler, Lawson, McCulloch, Ohs, Pavlovich, Pease, Raney, Ream, Sands, Schmidt, Simpson, Squires, Swanson, Tuss, Whitehead, Wyatt.

Total 33

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Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 496 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 95

Noes: Barnhart, Hurdle, Kottel, Simpson, Wyatt.

Total 5

Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 502 passed as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Arnott, Bergsagel, Brainard, Grinde, Jore, Keenan, Wagner.

Total 7

Voted Absentee: Marshall, Aye.

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Excused: None.

Total 0

Absent or not voting: Grady.

Total 1

HB 505 passed as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 84

Noes: Adams, Arnott, Bergsagel, Boharski, Brainard, R. Johnson, Jore, Kasten, Keenan, McCann, Orr, Prouse, Raney, Story, Vick, Wagner.

Total 16

Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 518 passed as follows:

Ayes: Barnhart, Beaudry, Bohlinger, Carey, Cobb, Cocchiarella, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Soft, Squires, Stovall, Swanson, Trexler, Tropila, Tuss, Whitehead, Wiseman, Wyatt.

Total 57

Noes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Clark, Curtiss, DeBruycker, Feland, H.S. Hanson, M. Hanson, Hayne, Holland, R. Johnson, Jore, Kasten, Keenan, Lawson, McCann, Molnar, Mood, Orr, Prouse, Rehbein, Simpkins, Sliter, Smith, Story, Tash, Taylor, Vick, Wagner, Walters, Wells, Zook, Mr. Speaker.

Total 43

Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

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Absent or not voting: None.

Total 0

HB 523 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Molnar, Mood, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: Adams, Boharski, Devaney, Hayne, Jore, Keenan, Mills, Ohs, Prouse, Vick, Wagner.

Total 11

Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

Absent or not voting: Harrington.

Total 1

HB 524 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Brainard, Clark, Cobb, Curtiss, DeBruycker, Devaney, Ellis, Feland, Gillan, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Kitzenberg, Knox, Lawson, Marshall, Masolo, McCann, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Peck, Prouse, Quilici, Rehbein, Rose, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 66

Noes: Barnhart, Bohlinger, Bookout, Carey, Cocchiarella, Denny, Dowell, Ellingson, Ewer, Galvin, Grady, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Keenan, Kottel, Krenzler, McCulloch, Pease, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.

Total 34

Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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HB 529 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 99

Noes: Boharski.
Total 1

Voted Absentee: Marshall, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 531 passed as follows:

Ayes: Ahner, Barnett, Barnhart, Beaudry, Bohlinger, Bookout, Carey, Cocchiarella, Denny, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simpkins, Simpson, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 69

Noes: Adams, Anderson, Arnott, Bankhead, Bergman, Bergsagel, Bitney, Boharski, Brainard, Clark, Cobb, Curtiss, DeBruycker, Devaney, Feland, Grinde, Hayne, Holland, Jore, Kasten, Keenan, McGee, Orr, Prouse, Rehbein, Simon, Sliter, Smith, Vick, Wagner, Wells.
Total 31

Voted Absentee: Marshall, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 532 passed as follows:

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Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 98

Noes: Hurdle, Wyatt.

Total 2

Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 547 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Boharski, Harper, Hibbard, Jore, Krenzler, Molnar, Ream.

Total 7

Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 550 passed as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis,

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Ewer, Feland, Galvin, Gillan, Grady, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Arnott, Bitney, Brainard, Grinde, Jore, Molnar, Prouse, Sliter, Wagner.

Total 9

Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

Absent or not voting: Grimes.

Total 1

HB 551 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Adams, Brainard, DeBruycker, Jore, McCann, Prouse, Wagner.

Total 7

Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

Absent or not voting: Tuss.

Total 1

HB 556 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg,

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Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Adams, Boharski, Prouse.

Total 3

Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

Absent or not voting: Hurdle, Kottel.

Total 2

HB 568 passed as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: Adams, Arnott, Bergsagel, Boharski, DeBruycker, Jore, Kasten, Keenan, Molnar, Rehbein, Vick.

Total 11

Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

Absent or not voting: Hurdle.

Total 1

HB 575 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Marshall, Masolo, McGee, Mills, Mood, Ohs, Orr, Pavlovich, Prouse, Rehbein, Rose, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 60

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Noes: Barnhart, Bohlinger, Carey, Cobb, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kitzenberg, Kottel, Krenzler, Lawson, McCann, McCulloch, Menahan, Molnar, Pease, Peck, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Walters, Whitehead, Wyatt.

Total 40

Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJR 13 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McGee, Mills, Molnar, Mood, Ohs, Orr, Prouse, Rehbein, Rose, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 64

Noes: Barnhart, Bohlinger, Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kottel, Krenzler, McCann, McCulloch, Menahan, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.

Total 36

Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJR 19 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

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Total 95

Noes: Adams, Boharski, Jore, Rehbein.

Total 4

Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

Absent or not voting: Hurdle.

Total 1

HJR 22 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: Molnar.

Total 1

Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJR 26 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Ewer, Feland, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Hayne, Hibbard, Holland, Jore, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McCann, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Peck, Prouse, Raney, Rehbein, Rose, Ryan, Simon, Simpkins, Sliter, Smith, Soft, Squires, Story, Stovall, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 75

Noes: Carey, Cocchiarella, Dowell, Ellingson, Galvin, Hagener, Harrington, Heavy Runner, Hurdle, J. Johnson, R. Johnson, Kottel, Krenzler, McCulloch, Pavlovich, Pease, Quilici, Ream, Sands, Schmidt, Simpson, Swanson,

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Tuss, Whitehead, Wyatt.
Total 25

Voted Absentee: Marshall, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 27 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Prouse, Quilici, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.
Total 88

Noes: Boharski, Galvin, Harper, Harrington, Jore, Keenan, Molnar, Peck, Raney, Vick, Wagner, Wyatt.
Total 12

Voted Absentee: Marshall, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 28 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Jore, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Mills, Molnar, Mood, Ohs, Orr, Prouse, Rehbein, Rose, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 71

Noes: Barnhart, Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Menahan, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Squires, Swanson, Tuss, Whitehead.
Total 28

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Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

Absent or not voting: Kasten.

Total 1

SB 1 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Clark, Curtiss, DeBruycker, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Kitzenberg, Knox, Lawson, Marshall, Masolo, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Prouse, Quilici, Rehbein, Rose, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.
Total 63

Noes: Barnhart, Bohlinger, Carey, Cobb, Cocchiarella, Denny, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Keenan, Kottel, Krenzler, McCann, McCulloch, Pease, Peck, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Vick, Whitehead, Wyatt.
Total 37

Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 129 passed as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 91

Noes: Adams, Arnott, Bergsagel, Boharski, Grinde, Hayne, Jore, Keenan, Prouse.
Total 9

Voted Absentee: Marshall, Aye.

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Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 159 passed as follows:

Ayes: Ahner, Anderson, Barnhart, Beaudry, Bergsagel, Bohlinger, Bookout, Carey, Cobb, Cocchiarella, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 73

Noes: Adams, Arnott, Bankhead, Barnett, Bergman, Bitney, Boharski, Brainard, Clark, Curtiss, DeBruycker, Feland, Hayne, Jore, Keenan, McGee, Molnar, Orr, Prouse, Rehbein, Simpkins, Sliter, Story, Vick, Wagner, Walters, Wells.
Total 27

Voted Absentee: Marshall, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 236 failed as follows:

Ayes: Anderson, Barnhart, Bohlinger, Carey, Cobb, Cocchiarella, Dowell, Ellingson, Ewer, Grinde, Hagener, Harper, Harrington, Heavy Runner, Hurdle, R. Johnson, Kitzenberg, Kottel, Krenzler, McCann, Menahan, Molnar, Pease, Peck, Raney, Ream, Rehbein, Ryan, Sands, Schmidt, Simon, Simpson, Swanson, Trexler, Tropila, Tuss, Vick, Wagner, Wyatt.
Total 39

Noes: Adams, Ahner, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Galvin, Gillan, Grady, Grimes, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, J. Johnson, Jore, Kasten, Keenan, Knox, Lawson, Marshall, Masolo, McCulloch, McGee, Mills, Mood, Ohs, Orr, Pavlovich, Prouse, Quilici, Rose, Simpkins, Sliter, Smith, Soft, Squires, Story, Stovall, Tash, Taylor, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.
Total 61

Voted Absentee: Marshall, No.

Excused: None.
Total 0

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Absent or not voting: None.
Total 0

HB 246 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, McCann, McGee, Mills, Molnar, Mood, Ohs, Orr, Peck, Prouse, Quilici, Raney, Rehbein, Rose, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.
Total 68

Noes: Barnhart, Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kottel, Krenzler, Masolo, McCulloch, Menahan, Pavlovich, Pease, Ream, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.
Total 32

Voted Absentee: Marshall, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 252 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Feland, Grady, Grimes, Grinde, M. Hanson, Hayne, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McGee, Mills, Molnar, Mood, Ohs, Orr, Prouse, Raney, Rehbein, Rose, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.
Total 63

Noes: Barnhart, Carey, Cocchiarella, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Hagener, H.S. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kottel, Krenzler, McCann, McCulloch, Menahan, Pavlovich, Pease, Peck, Quilici, Ream, Ryan, Sands, Schmidt, Simon, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.
Total 37

Voted Absentee: Marshall, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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HB 267 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 87

Noes: Adams, Boharski, Grinde, Heavy Runner, Jore, Keenan, Molnar, Orr, Sliter, Taylor, Vick, Wyatt.

Total 12

Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

Absent or not voting: Barnhart.

Total 1

HB 276 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Boharski, Jore, Keenan, Orr.

Total 4

Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 303 passed as follows:

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Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Lawson, McGee, Mills, Molnar, Orr, Prouse, Rehbein, Rose, Simon, Simpkins, Sliter, Soft, Story, Tash, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 53

Noes: Barnhart, Bohlinger, Bookout, Carey, Cobb, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kitzenberg, Kottel, Krenzler, Masolo, McCann, McCulloch, Menahan, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Smith, Squires, Stovall, Swanson, Taylor, Tropila, Whitehead, Wyatt.

Total 45

Excused: Marshall.

Total 1

Absent or not voting: Tuss.

Total 1

HB 306 passed as follows:

Ayes: Adams, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergsagel, Bitney, Boharski, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McGee, Mills, Mood, Ohs, Orr, Prouse, Rehbein, Rose, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 59

Noes: Ahner, Barnhart, Bergman, Bohlinger, Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Grady, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kottel, Krenzler, McCann, McCulloch, Menahan, Molnar, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.

Total 41

Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 345 passed as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Grimes, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Kasten, Kitzenberg, Knox, Lawson, Marshall, Masolo, McCann, McGee, Mills, Mood, Ohs, Peck, Prouse, Rose, Simon, Simpkins, Sliter, Smith, Soft, Stovall, Tash, Taylor, Trexler, Walters,

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Wiseman, Zook, Mr. Speaker.
Total 53

Noes: Arnott, Barnhart, Brainard, Carey, Cocchiarella, Dowell, Ellingson, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Jore, Keenan, Kottel, Krenzler, McCulloch, Menahan, Molnar, Orr, Pavlovich, Pease, Quilici, Raney, Ream, Rehbein, Ryan, Sands, Schmidt, Simpson, Squires, Story, Swanson, Tropila, Tuss, Vick, Wells, Whitehead, Wyatt.
Total 46

Voted Absentee: Marshall, Aye.

Excused: None.
Total 0

Absent or not voting: Wagner.
Total 1

HB 346 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 90

Noes: Adams, Boharski, Brainard, Jore, Keenan, Orr, Prouse, Rehbein, Smith, Wagner.
Total 10

Voted Absentee: Marshall, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 371 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Ryan, Sands, Schmidt, Simon,

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Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Jore, Pease, Prouse, Whitehead.

Total 4

Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

Absent or not voting: Curtiss, Rose, Tuss.

Total 3

HB 386 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McGee, Mills, Molnar, Orr, Prouse, Raney, Rehbein, Rose, Ryan, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 65

Noes: Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kottel, Krenzler, McCann, McCulloch, Menahan, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Ream, Sands, Schmidt, Simon, Simpson, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.

Total 35

Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 440 failed as follows:

Ayes: Adams, Ahner, Arnott, Bankhead, Barnhart, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Cobb, DeBruycker, Denny, Devaney, Ellis, Feland, Gillan, Grady, Hagener, H.S. Hanson, Hayne, Heavy Runner, Hurdle, Keenan, Knox, Kottel, Lawson, Marshall, Masolo, Mills, Peck, Prouse, Raney, Rehbein, Sands, Simpkins, Simpson, Sliter, Story, Stovall, Tash, Tropila, Vick, Wells, Wiseman, Wyatt.

Total 48

Noes: Anderson, Barnett, Beaudry, Bergsagel, Clark, Cocchiarella, Curtiss, Dowell, Ellingson, Ewer, Galvin, Grimes, Grinde, M. Hanson, Harper, Harrington, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten,

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Kitzenberg, Krenzler, McCann, McCulloch, McGee, Menahan, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Quilici, Ream, Rose, Ryan, Schmidt, Simon, Smith, Soft, Squires, Swanson, Taylor, Trexler, Tuss, Wagner, Walters, Whitehead, Zook, Mr. Speaker.

Total 52

Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 453 passed as follows:

Ayes: Adams, Ahner, Arnott, Bankhead, Barnett, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Ellis, Feland, Grady, Grinde, H.S. Hanson, M. Hanson, Hayne, Holland, Jore, Kasten, Keenan, Knox, Lawson, Marshall, Masolo, McCann, McGee, Mills, Molnar, Mood, Ohs, Orr, Prouse, Rehbein, Rose, Simpkins, Sliter, Smith, Soft, Story, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 53

Noes: Anderson, Barnhart, Beaudry, Bohlinger, Carey, Cocchiarella, Denny, Devaney, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Kottel, Krenzler, McCulloch, Menahan, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simon, Simpson, Squires, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Whitehead, Wyatt.

Total 46

Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

Absent or not voting: Grimes.

Total 1

HB 466 passed as follows:

Ayes: Adams, Ahner, Anderson, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 87

Noes: Arnott, Bankhead, DeBruycker, Hayne, Kasten, McCann, McGee, Orr, Rehbein, Wagner, Wells, Wyatt.

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Total 12

Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

Absent or not voting: Sliter.

Total 1

HB 483 passed as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Adams, Arnott, Boharski, Jore, Keenan.

Total 5

Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 508 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 100

Noes: None.

Total 0

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Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 517 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Lawson, Marshall, Masolo, McCann, McGee, Mills, Molnar, Mood, Ohs, Orr, Prouse, Rehbein, Rose, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.
Total 64

Noes: Barnhart, Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Grady, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kitzenberg, Kottel, Krenzler, McCulloch, Menahan, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.
Total 36

Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 519 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Heavy Runner, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 89

Noes: Boharski, Devaney, Grimes, Hayne, Hibbard, Jore, Krenzler, Lawson, Prouse.
Total 9

Voted Absentee: Marshall, Aye.

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Excused: None.

Total 0

Absent or not voting: Feland, Harrington.

Total 2

HB 533 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Bergsagel, Bitney, Boharski, Bohlinger, Brainard, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellis, Feland, Galvin, Grady, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Prouse, Quilici, Rehbein, Rose, Ryan, Simon, Simpkins, Sliter, Soft, Stovall, Swanson, Tash, Taylor, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 68

Noes: Beaudry, Bergman, Bookout, Carey, Denny, Dowell, Ellingson, Ewer, Gillan, Grimes, Hagener, Harper, Harrington, Heavy Runner, Hurdle, Kottel, McCulloch, McGee, Menahan, Pease, Peck, Raney, Ream, Sands, Schmidt, Simpson, Smith, Squires, Story, Trexler, Tuss, Whitehead.

Total 32

Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 534 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McCann, McGee, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Prouse, Quilici, Rehbein, Rose, Ryan, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Wyatt, Zook, Mr. Speaker.

Total 71

Noes: Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kottel, Krenzler, McCulloch, Menahan, Pease, Peck, Raney, Ream, Sands, Schmidt, Simpson, Squires, Swanson, Tuss, Whitehead.

Total 28

Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

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Absent or not voting: Wiseman.
Total 1

HB 540 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 100

Noes: None.
Total 0

Voted Absentee: Marshall, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 546 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 96

Noes: Cobb, Jore, Orr, Prouse.
Total 4

Voted Absentee: Marshall, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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HB 553 passed as follows:

Ayes: Adams, Ahner, Bankhead, Barnett, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Ewer, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McCann, McGee, Mills, Molnar, Mood, Ohs, Orr, Prouse, Rehbein, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 60

Noes: Anderson, Arnott, Barnhart, Bergsagel, Bookout, Carey, Cobb, Cocchiarella, Dowell, Ellingson, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kottel, Krenzler, McCulloch, Menahan, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Squires, Swanson, Taylor, Tropila, Tuss, Whitehead.

Total 40

Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 554 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

Absent or not voting: Harrington.

Total 1

HB 558 passed as follows:

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Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Devaney, Ellis, Feland, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Holland, Jore, Kasten, Keenan, Knox, Lawson, Marshall, McCann, McGee, Mills, Molnar, Mood, Orr, Peck, Prouse, Rehbein, Rose, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 57

Noes: Barnhart, Bohlinger, Carey, Cocchiarella, Denny, Dowell, Ellingson, Ewer, Galvin, Gillan, Grady, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Kottel, Krenzler, Masolo, McCulloch, Menahan, Ohs, Pavlovich, Pease, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simon, Simpson, Squires, Swanson, Trexler, Tropila, Tuss, Whitehead, Wyatt.

Total 43

Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 569 passed as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: Arnott, Bergsagel, Boharski, Brainard, Denny, Devaney, Jore, Kasten, Keenan, McCann, Vick, Wagner.

Total 12

Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 571 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde,

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H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Lawson, Marshall, Masolo, McCann, McGee, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Prouse, Quilici, Rehbein, Rose, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 69

Noes: Barnhart, Carey, Cobb, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Heavy Runner, Hurdle, J. Johnson, Krenzler, McCulloch, Menahan, Pease, Peck, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.

Total 31

Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 572 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Feland, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Peck, Prouse, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 82

Noes: Barnhart, Carey, Cobb, Cocchiarella, Ellingson, Ewer, Galvin, Hurdle, Menahan, Pease, Ream, Sands, Simpson, Squires, Vick, Whitehead, Wyatt.

Total 17

Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

Absent or not voting: Grinde.

Total 1

HB 577 passed as follows:

Ayes: Adams, Ahner, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel,

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Krenzler, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Anderson, Boharski, Grimes, Lawson, Peck, Rehbein.

Total 6

Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

Absent or not voting: Grady.

Total 1

HB 579 passed as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bookout, Brainard, Clark, Curtiss, Denny, Devaney, Ellis, Feland, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Holland, R. Johnson, Jore, Kitzenberg, Knox, Lawson, Marshall, Masolo, McCann, McGee, Mills, Molnar, Mood, Ohs, Orr, Prouse, Raney, Rehbein, Rose, Ryan, Simon, Simpkins, Simpson, Sliter, Smith, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 62

Noes: Arnott, Bergsagel, Bohlinger, Carey, Cobb, Cocchiarella, DeBruycker, Dowell, Ellingson, Ewer, Galvin, Gillan, Grady, Grimes, Hagener, Harper, Hibbard, Hurdle, J. Johnson, Kasten, Keenan, Kottel, Krenzler, McCulloch, Menahan, Pavlovich, Pease, Peck, Quilici, Ream, Sands, Schmidt, Soft, Squires, Swanson, Tropila, Tuss, Whitehead.

Total 38

Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJR 8 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose,

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Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 99

Noes: None.
Total 0

Voted Absentee: Marshall, Aye.

Excused: None.
Total 0

Absent or not voting: Vick.
Total 1

HJR 14 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Prouse, Rehbein, Rose, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 66

Noes: Bohlinger, Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kottel, Krenzler, McCann, McCulloch, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Whitehead.
Total 34

Voted Absentee: Marshall, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 25 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McGee, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Prouse, Rehbein, Rose, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.
Total 66

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Noes: Barnhart, Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kottel, Krenzler, McCann, McCulloch, Menahan, Pease, Peck, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.

Total 34

Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 49 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Mills, Molnar, Mood, Ohs, Orr, Peck, Prouse, Raney, Rehbein, Rose, Sands, Simon, Simpkins, Simpson, Sliter, Smith, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 79

Noes: Adams, Bohlinger, Cocchiarella, Galvin, Gillan, Harrington, Hurdle, Kottel, Krenzler, Menahan, Pavlovich, Pease, Quilici, Ream, Ryan, Schmidt, Tropila, Tuss, Whitehead, Wyatt.

Total 20

Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

Absent or not voting: Soft.

Total 1

HB 140 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

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Noes: None.
Total 0

Voted Absentee: Marshall, Aye.

Excused: None.
Total 0

Absent or not voting: Curtiss, Grady.
Total 2

HB 240 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Brainard, Clark, Curtiss, Denny, Devaney, Dowell, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, Jore, Kasten, Keenan, Knox, Lawson, Marshall, Masolo, McCann, McGee, Mills, Molnar, Mood, Ohs, Orr, Prouse, Rehbein, Rose, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Trexler, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.
Total 63

Noes: Bookout, Carey, Cobb, Cocchiarella, DeBruycker, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Kottel, Krenzler, McCulloch, Menahan, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Taylor, Tuss, Whitehead, Wyatt.
Total 37

Voted Absentee: Marshall, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 389 passed as follows:

Ayes: Bankhead, Barnett, Barnhart, Beaudry, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Dowell, Ellis, Ewer, Feland, Galvin, Grady, Grimes, Grinde, Hagener, M. Hanson, Harper, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McGee, Menahan, Mills, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Walters, Wells, Whitehead, Wyatt, Zook, Mr. Speaker.
Total 71

Noes: Adams, Ahner, Anderson, Arnott, Bergman, Boharski, DeBruycker, Devaney, Ellingson, Gillan, H.S. Hanson, Harrington, Hayne, Hurdle, Jore, Kasten, Kottel, McCulloch, Molnar, Mood, Simpson, Sliter, Smith, Squires, Tuss, Vick, Wagner, Wiseman.
Total 28

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Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

Absent or not voting: Keenan.

Total 1

HB 462 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Barnhart, Bergsagel, Boharski, Brainard, Curtiss, DeBruycker, Denny, Devaney, Ellis, Ewer, Gillan, H.S. Hanson, Harper, Hayne, Heavy Runner, Holland, Hurdle, R. Johnson, Jore, Kasten, Keenan, Kottel, Krenzler, Lawson, Masolo, McCann, McGee, Menahan, Mills, Molnar, Pavlovich, Peck, Prouse, Quilici, Raney, Rehbein, Schmidt, Simon, Soft, Story, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Vick, Wagner, Walters, Wells, Wyatt, Zook, Mr. Speaker.

Total 57

Noes: Bankhead, Barnett, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Dowell, Ellingson, Feland, Galvin, Grady, Grimes, Grinde, Hagener, M. Hanson, Harrington, Hibbard, J. Johnson, Kitzenberg, Knox, Marshall, McCulloch, Mood, Ohs, Orr, Pease, Ream, Rose, Ryan, Sands, Simpkins, Simpson, Sliter, Smith, Squires, Trexler, Whitehead, Wiseman.

Total 43

Voted Absentee: Marshall, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 541 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: Ream.

Total 1

Voted Absentee: Marshall, Aye.

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Excused: None.
Total 0

Absent or not voting: Sliter.
Total 1

HB 542 passed as follows:

Ayes: Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Jore, Keenan, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Vick, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 84

Noes: Adams, Ahner, Bergman, Devaney, Grimes, M. Hanson, Holland, Kasten, Kitzenberg, Pease, Rehbein, Smith, Taylor, Wagner, Whitehead.
Total 15

Voted Absentee: Marshall, Aye.

Excused: None.
Total 0

Absent or not voting: Bergsagel.
Total 1

HB 543 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 100

Noes: None.
Total 0

Voted Absentee: Marshall, Aye.

Excused: None.
Total 0

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Absent or not voting: None.

Total 0

HB 560 passed as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: Arnott, Bergman.

Total 2

Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

Absent or not voting: Ream.

Total 1

HJR 21 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Marshall, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL
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MOTIONS

HB 49 - Representative Menahan moved he be allowed to change his vote on HB 49, third reading, from aye to nay. Motion carried.

HB 216 - Representative Clark moved he be allowed to change his vote on HB 216, third reading, from aye to abstain. Motion carried.

HB 365 - Representative Clark moved he be allowed to change his vote on HB 365, third reading, from abstain to aye. Motion carried.

HB 540 - Representative Holland moved he be allowed to change his vote on HB 540, third reading, from abstain to aye. Motion carried.

HB 462 - Representative Tuss moved she be allowed to change her vote on HB 462, third reading, from abstain to aye. Motion carried.

HB 252 - Representative Simon moved he be allowed to change his vote on HB 252, third reading, from aye to nay. Motion carried.

HB 560 - Representative Stovall moved he be allowed to change his vote on HB 560, third reading, from abstain to aye. Motion carried.

HJR 22 - Representative Ewer moved he be allowed to change his vote on HJR 22, third reading, from abstain to aye. Motion carried.

HB 252 - Representative Ellis moved he be allowed to change his vote on HB 252, third reading, from aye to nay. Motion carried.

HB 575 - Representative Bohlinger moved he be allowed to change his vote on HB 575, third reading, from aye to nay. Motion carried.

HB 303 - Representative Smith moved she be allowed to change her vote on HB 303, third reading, from aye to nay. Motion carried.

HB 306 - Representative Smith moved she be allowed to change her vote on HB 306, third reading, from abstain to aye. Motion carried.

HB 553 - Representative Smith moved she be allowed to change her vote on HB 553, third reading, from nay to aye. Motion carried.

ANNOUNCEMENTS

Representative Grinde moved the House adjourn until 5:00 p.m., Monday, March 3, 1997. Motion carried.

House adjourned at 9:03 a.m.

John Mercer, Speaker

HOUSE JOURNAL
FORTY-FIFTH LEGISLATIVE DAY - FEBRUARY 26, 1997

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL
FORTY-SIXTH LEGISLATIVE DAY**

Helena, Montana
March 3, 1997

House Chambers
State Capitol

House convened at 5:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Hayne. Pledge of Allegiance to the Flag.

Roll call. All members present except Representative Taylor, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journal for the forty-fourth legislative day, find the same to be correct.

Hayne, Chairman

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/26/97

SB 338, introduced by Grosfield
SB 365, introduced by Benedict
SB 367, introduced by Bartlett
SB 370, introduced by Thomas
SB 377, introduced by Grosfield
SB 378, introduced by Benedict
SB 382, introduced by Harp
SB 383, introduced by Crippen

Senate joint resolution passed and transmitted to the House for concurrence:

2/26/97

SJR 13, introduced by Miller

House bills concurred in and returned to the House:

2/26/97

HB 56, introduced by R. Johnson
HB 70, introduced by Hibbard
HB 82, introduced by Hibbard

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 2/26/97

HB 29, introduced by Bohlinger
HB 58, introduced by Ewer

**FIRST READING AND COMMITMENT
OF BILLS AND RESOLUTIONS**

The following House bill was introduced, read first time, and referred to committee:

HB 596, introduced by Wiseman, Ewer, Taylor, referred to Committee on Taxation.

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The following Senate bills were introduced, read first time, and referred to committees:

- SB 211**, introduced by Devlin, Harp, Foster, Van Valkenburg, Crippen, Grosfield, Aklestad, referred to Committee on Taxation.
- SB 238**, introduced by Devlin, referred to Committee on Business & Labor.
- SB 272**, introduced by Aklestad, Crippen, Lynch, Devlin, Thomas, Grosfield, Halligan, Van Valkenburg, Foster, Wilson, (by request of the Senate Judiciary Committee) referred to Committee on Taxation.
- SB 280**, introduced by Van Valkenburg, Ellingson, referred to Committee on Local Government.
- SB 296**, introduced by Jergeson, Hagener, referred to Committee on State Administration.
- SB 297**, introduced by Brooke, Franklin, Bergman, Estrada, Sands, referred to Committee on Human Services.
- SB 301**, introduced by Doherty, Toews, referred to Committee on Education.
- SB 313**, introduced by Brooke, Ellis, referred to Committee on Education.
- SB 315**, introduced by McCarthy, Mood, referred to Committee on Natural Resources.
- SB 316**, introduced by Bartlett, referred to Committee on Business & Labor.
- SB 319**, introduced by Stang, Ellis, Harp, Halligan, Foster, Eck, Van Valkenburg, Wyatt, Simpkins, Mercer, referred to Committee on Taxation.
- SB 324**, introduced by Estrada, Sands, Hargrove, Baer, Harp, Franklin, Halligan, Foster, Mahlum, Cocchiarella, Kottel, Krenzler, McCarthy, Nelson, Doherty, Emerson, Jenkins, DePratu, Mohl, Cole, McNutt, Keating, Grosfield, Mesaros referred to Committee on Human Services.
- SB 331**, introduced by Thomas, referred to Committee on Business & Labor.
- SB 332**, introduced by Miller, referred to Committee on Natural Resources.
- SB 335**, introduced by Jenkins, DeBruycker, referred to Committee on Transportation.
- SB 341**, introduced by Stang, Bookout-Reinicke, Brooke, Taylor, Bankhead, referred to Committee on Judiciary.
- SB 344**, introduced by Harp, Cocchiarella, Halligan, Grinde, Beck, Foster, Ohs, J. Johnson, Franklin, referred to Committee on State Administration.
- SB 360**, introduced by Crippen, referred to Committee on Transportation.
- SB 368**, introduced by Lynch, referred to Committee on Business & Labor.
- SB 369**, introduced by Swysgood, referred to Committee on Judiciary.
- SB 266**, introduced by Devlin, referred to Committee on Business & Labor.
- SB 284**, introduced by Halligan, Van Valkenburg, Cocchiarella, Brooke, Carey, Mahlum, Denny, Brainard, referred to Committee on Agriculture.
- SB 298**, introduced by Swysgood, referred to Committee on Human Services.
- SB 303**, introduced by Wilson, Ryan, Christiaens, Swysgood, Van Valkenburg, Keating, Cocchiarella, referred to Committee on Select Corrections.
- SB 304**, introduced by Cole, Miller, Beck, Holland, referred to Committee on Business & Labor.
- SB 314**, introduced by Crippen, Anderson, Ellis, Harp, Baer, Beck, Benedict, Tash, Jabs, Crismore, Keenan, Barnett, Thomas, Curtiss, Grady, Grinde, Ohs, Feland, Mohl, Kasten, Smith, Clark, Bergman, Ahner, McNutt, Estrada, Grosfield, Soft, Swysgood, Brainard, Holden, Boharski, referred to Committee on Judiciary.
- SJR 8**, introduced by Estrada, Franklin, Brooke, Baer, Bartlett, Ahner, Miller, Gillan, Nelson, Schmidt, Bookout-Reinicke, Barnhart, Jenkins, Sands, Kottel, Hargrove, Cole, Emerson, Waterman, Devlin, Eck, Gage, Burnett, Van Valkenburg, Swysgood, Lynch, Beck, Mahlum, Keating, McNutt, DePratu, Jergeson, Taylor, Thomas, McCarthy, Harp, Mohl, Benedict, Tuss, referred to Committee on Human Services.
- SJR 10**, introduced by Beck, Smith, Lynch, Harp, Swysgood, referred to Committee on State Administration.
- SB 270**, introduced by Benedict, referred to Committee on Judiciary.
- SB 286**, introduced by Crippen, Van Valkenburg, Benedict, Halligan, Eck, Hargrove, Bartlett, Cocchiarella, Grimes, Gillan, Simon, Pavlovich, Bohlinger, Franklin, Squires, Sands, Kottel, Harp, Estrada, referred to Committee on Business & Labor.
- SB 287**, introduced by Crismore, Mesaros, Bishop, referred to Committee on Fish, Wildlife, & Parks.

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- SB 290**, introduced by Keating, Simon, Burnett, Benedict, Ellis, Feland, Harp, Gage, Menahan, Harper, Keenan, Glaser, Wilson, Bowman Shea, Crismore, Sliter, Squires, Mood, Cocchiarella, Mahlum, Pavlovich, Emerson, Christiaens, Tash, Kitzenberg, Aklestad, Thomas, Van Valkenburg, Grinde, referred to Committee on Business & Labor.
- SB 300**, introduced by Thomas, Simpkins, Devlin, Beck, Lynch, Quilici, Burnett, Mood, Harper, Harrington, Rose, Bartlett, Jenkins, referred to Committee on Taxation.
- SB 308**, introduced by Beck, Stang, referred to Committee on Judiciary.
- SB 311**, introduced by McCarthy, Harrington, Quilici, Tash, Beck, Tuss, Mahlum, Swysgood, Bohlinger, Jergeson, Hertel, Taylor, Thomas, Galvin, J. Johnson, Lynch, Grady, Menahan, Pavlovich, Beaudry, referred to Committee on State Administration.
- SB 320**, introduced by Brooke, Harper, Ewer, Cocchiarella, Gage, Bishop, referred to Committee on Judiciary.
- SB 325**, introduced by Crismore, Mood, Harp, Masolo, Clark, Cole, Hertel, Foster, Grimes, referred to Committee on Business & Labor.
- SB 334**, introduced by Grosfield, referred to Committee on Natural Resources.
- SB 337**, introduced by Grosfield, Story, Swysgood, Swanson, Halligan, Hagener, Peck, Jergeson, Jenkins, McCann, DeBruycker, referred to Committee on Natural Resources.
- SB 339**, introduced by Grosfield, referred to Committee on Natural Resources.
- SB 340**, introduced by Grosfield, Grimes, Benedict, Foster, Grady, referred to Committee on State Administration.
- SB 342**, introduced by Brooke, Beck, Smith, Mood, referred to Committee on Natural Resources.
- SB 343**, introduced by Thomas, Sliter, Lynch, Harp, Gillan, Beck, Bitney, Halligan, Grady, Mohl, Jergeson, Stang, Hibbard, Pavlovich, Tropila, Hertel, referred to Committee on Transportation.
- SB 349**, introduced by Keating, Simon, referred to Committee on Business & Labor.
- SB 350**, introduced by McNutt, Sliter, Hibbard, Wells, McGee, Jore, Krenzler, Mood, Keenan, Miller, Ohs, Devlin, Beaudry, Mesaros, Wagner, Beck, McCarthy, Grady, Swysgood, Harp, Stang, Bowman Shea, Foster, Bishop, Mahlum, Rehbein, Taylor, Anderson, Grinde, Clark, Thomas, Denny, Kasten, referred to Committee on Business & Labor.
- SB 359**, introduced by Toews, referred to Committee on Natural Resources.
- SB 361**, introduced by Benedict, referred to Committee on State Administration.
- SB 375**, introduced by Thomas, referred to Committee on Business & Labor.
- SB 379**, introduced by Lynch, Hertel, Benedict, referred to Committee on Business & Labor.
- SB 381**, introduced by Benedict, Simon, Ahner, Grimes, Swanson, Miller, Beck, Wyatt, referred to Committee on Human Services.
- SB 365**, introduced by Benedict, Hargrove, Grimes, Ahner, Harp, Masolo, Grosfield, Mercer, Baer, Taylor, Aklestad, Grinde, Sprague, Marshall, Jabs, Estrada, DePratu, Foster, McNutt, Keating, Crippen, Bookout-Reinicke, Smith, Thomas, Burnett, Hertel, Glaser, Crismore, Jenkins, Barnett, Peck, Bohlinger, Cole, Denny, Ohs, Mahlum, Mood, Mills, Rose, referred to Committee on Human Services.
- SB 367**, introduced by Bartlett, Harp, Baer, Foster, Miller, Waterman, Halligan, Jergeson, Thomas, Swysgood, Jenkins, Doherty, Crippen, referred to Committee on State Administration.
- SB 370**, introduced by Thomas, Cobb, referred to Committee on Education.
- SB 377**, introduced by Grosfield, Crismore, Knox, Keating, DePratu, Clark, referred to Committee on Natural Resources.
- SB 378**, introduced by Benedict, Simon, Harp, Hertel, Crismore, Emerson, Sprague, Foster, Christiaens, referred to Committee on Human Services.
- SB 382**, introduced by Harp, referred to Committee on Judiciary.
- SB 383**, introduced by Crippen, referred to Committee on Judiciary.
- SB 338**, introduced by Grosfield, referred to Committee on Business & Labor.
- SJR 6**, introduced by Thomas, Beck, Devlin, Foster, Harp, referred to Committee on State Administration.
- SJR 12**, introduced by Foster, Grimes, referred to Committee on Education.

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SJR 13, introduced by Miller, Cole, Crismore, Hargrove, Mesaros, DePratu, Grosfield, Mahlum, McNutt, Jabs, Foster, Taylor, Keating, referred to Committee on Natural Resources.

MOTIONS

Representative Cocchiarella moved the rules be suspended to allow a House Joint Resolution be introduced congratulating the Big Sky Eagles. Representative Harper seconded the motion. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Tuesday, March 4, 1997. Motion carried.

House adjourned at 5:07 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL
FORTY-SEVENTH LEGISLATIVE DAY**

Helena, Montana
March 4, 1997

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Hayne. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. Speaker introduced this week's pages:

Mark Ellingson, Missoula
Nicholas Fura, Kalispell
Megan Gran, Polson
Heather Leggate, Great Falls
Lacy Lodmell, Malta
Michael McLaughlin, Jackson
David Ohs, Harrison
John Osborne, Billings

**FIRST READING AND COMMITMENT
OF BILLS AND RESOLUTIONS**

The following House bill was introduced, read first time, and referred to committee:

HB 597, introduced by Rose, Devlin, Ohs, Tash, McCann, DeBruycker, Grady, Hayne, Bankhead, Stovall, Holland, M. Hanson, Anderson, Devaney, Bohlinger, referred to Committee on Taxation.

Representative Barnhart excused at this time.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Simpkins in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 8 - Representative Soft moved SB 8 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

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Total 94

Noes: Arnott, Brainard, Denny, Jore, Orr, Wagner.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 9 - Representative Devaney moved SB 9 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Simon, Simpkins, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 91

Noes: Ewer, Heavy Runner, Kottel, Peck, Simpson, Tropila, Wyatt.

Total 7

Excused: Barnhart.

Total 1

Absent or not voting: Schmidt.

Total 1

SB 10 - Representative Rose moved SB 10 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, Jore, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Cocchiarella, Curtiss, Heavy Runner, Kasten, Orr, Rehbein, Sands.

Total 7

Voted Absentee: Barnhart, Aye.

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Excused: None.

Total 0

Absent or not voting: R. Johnson, Soft.

Total 2

SB 80 - Representative Grinde moved consideration of SB 80 be placed at the top of the second reading board.
Motion carried.

Representative Simon moved SB 80 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 100

Noes: None.

Total 0

Voted Absentee: Barnhart, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Simon excused at this time.

SB 12 - Representative Devaney moved SB 12 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 100

Noes: None.

Total 0

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Voted Absentee: Barnhart, Simon, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 14 - Representative Bohlinger moved SB 14 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Adams, Bergman, Brainard, Curtiss, DeBruycker, Jore, Orr, Prouse, Wagner, Wells.

Total 10

Voted Absentee: Barnhart, Simon, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Bohlinger excused at this time.

SB 35 - Representative Grady moved SB 35 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: Ellis.

Total 1

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Voted Absentee: Barnhart, Bohlinger, Simon, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 36 - Representative Grimes moved SB 36 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Arnott, Jore, McGee, Rehbein.

Total 4

Voted Absentee: Barnhart, Bohlinger, Simon, Ayes.

Excused: None.

Total 0

Absent or not voting: Squires.

Total 1

SB 38 - Representative Tropila moved SB 38 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Barnhart, Bohlinger, Simon, Ayes.

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 50 and SB 63 - Representative Grinde moved consideration of SB 50 and SB 63 be passed for the day. Motion carried.

SB 52 - Representative Sliter moved SB 52 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 88

Noes: Clark, Ellingson, Ewer, Galvin, Gillan, Hagener, Heavy Runner, Hurdle, Kottel, Krenzler, Tuss, Wyatt.

Total 12

Voted Absentee: Barnhart, Bohlinger, Simon, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 56 - Representative Pavlovich moved SB 56 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Adams, Arnott, Bergsagel, Boharski, Brainard, Grady, Hayne, Jore, Kasten, Vick.

Total 10

Voted Absentee: Barnhart, Bohlinger, Simon, Ayes.

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 59 - Representative Story moved SB 59 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Adams, Boharski, Brainard, Feland, Jore, Orr, Vick, Wagner.

Total 8

Voted Absentee: Barnhart, Bohlinger, Simon, Ayes.

Excused: None.

Total 0

Absent or not voting: Kitzenberg.

Total 1

SB 71 - Representative Grinde moved consideration of SB 71 be passed for the day. Motion carried.

SB 72 - Representative Mood moved SB 72 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Adams, Jore.

Total 2

Voted Absentee: Barnhart, Simon, Ayes.

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Excused: Bohlinger.

Total 1

Absent or not voting: Pavlovich.

Total 1

SB 76 - Representative H. Hanson moved SB 76 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Feland, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Kitzenberg, Knox, Krenzler, Marshall, Masolo, McCann, Menahan, Mills, Mood, Orr, Pavlovich, Pease, Quilici, Raney, Rehbein, Rose, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Tash, Taylor, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 68

Noes: Adams, Arnott, Bergsagel, Bitney, Boharski, Ewer, Galvin, Gillan, Heavy Runner, Hurdle, Jore, Kasten, Keenan, Kottel, Lawson, McCulloch, McGee, Molnar, Ohs, Peck, Prouse, Ream, Ryan, Sands, Schmidt, Sliter, Swanson, Trexler, Tuss, Whitehead, Wyatt.

Total 31

Voted Absentee: Barnhart, Simon, Ayes.

Excused: Bohlinger.

Total 1

Absent or not voting: None.

Total 0

SB 77 - Representative Prouse moved SB 77 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bookout, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Bankhead, Brainard, Curtiss, Ellingson, Hurdle, Orr.

Total 6

Voted Absentee: Barnhart, Simon, Ayes.

Excused: Bohlinger.

Total 1

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Absent or not voting: Menahan, Rose.
Total 2

SB 81 - Representative Ewer moved SB 81 be concurred in. Motion carried as follows:

Ayes: Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Carey, Clark, Cobb, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Soft, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Walters, Wells, Wiseman, Wyatt, Zook.
Total 79

Noes: Adams, Ahner, Cocchiarella, DeBruycker, Grinde, Hurdle, Jore, Keenan, Menahan, Orr, Prouse, Sliter, Smith, Squires, Taylor, Vick, Wagner, Whitehead, Mr. Speaker.
Total 19

Voted Absentee: Barnhart, Simon, Ayes.

Excused: Bohlinger.
Total 1

Absent or not voting: Kitzenberg.
Total 1

SB 86 - Representative Anderson moved SB 86 be concurred in.

Representative Anderson moved consideration of SB 86 be passed for the day. Motion carried.

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Simpkins moved that the Committee of the Whole report be adopted. Report adopted. (96-0)

MOTIONS

Representative Ahner moved the rules be suspended to allow a House Joint Resolution be introduced congratulating the state champion Capital High School Bruin football team. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Wednesday, March 5, 1997. Motion carried.

House adjourned at 2:13 p.m.

John Mercer, Speaker

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Marilyn Miller, Chief Clerk

**HOUSE JOURNAL
FORTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana
March 5, 1997

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Ahner.

Roll call. All members present. Quorum present.

SPECIAL ORDERS OF THE DAY

Sergeant-at-Arms Skelton escorted the Senate into the House Chambers.

Mr. Speaker introduced President Aklestad and yielded the Chair to him.

Senator Harp moved the body resolve itself into a joint session for the purpose of receiving the State of the Judiciary Address. Motion carried.

Members of the Montana Prison Honor Guard posted the colors. The Pledge of Allegiance to the Flag followed.

Reverend Tom Banks gave an Invocation.

Senator Harp moved President Aklestad be authorized to appoint a committee of four to notify the Honorable Chief Justice and Justices of the Supreme Court of the State of Montana that the House was in joint session and ready to receive the State of the Judiciary Address. Motion carried.

President Aklestad appointed Senators Crippen and Halligan and Representatives Clark and Wyatt and discharged them to escort the Chief Justice and Justices to the House Chambers.

President Aklestad introduced the Honorable Justices of the Supreme Court of the State of Montana:

The Honorable Jean A. Turnage, Chief Justice
The Honorable Karla M. Gray, Justice
The Honorable James M. Regnier, Justice
The Honorable W. William Leaphart, Justice
The Honorable James C. Nelson, Justice
The Honorable William E. Hunt Sr., Justice
The Honorable Terry Trieweiler, Justice

President Aklestad introduced Chief Justice Turnage, who gave the following address:

STATE OF THE JUDICIARY ADDRESS
by Honorable J. A. Turnage
Chief Justice, Montana Supreme Court
Joint Session of the Fifty-Fifth Legislature

President Akelstad, Speaker Mercer, members of the Senate and House, Governor Racicot, Justices of the Montana Supreme Court, distinguished public officials, staff of the Fifty-Fifth Legislature, guests, ladies and gentlemen. Thank you for this honor and privilege to address this joint session of the Fifty-Fifth Legislature.

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I would like to take this time to highlight some of the Judiciary's workload, its accomplishments and its concerns.

Before doing so, I think it is appropriate to review some history and constitutional provisions concerning separation of powers that have placed the Judiciary of the State of Montana as a distinct and separate branch of Montana government with the Legislative and Executive branches.

The great charter of liberties of King John, the Magna Carta, granted at Runnymede, June 15, 1215--a charter of freedom for the individual--separated the total power over citizens then concentrated in the hands of the king, and gave to individual citizens a voice in the control over their lives and liberties.

This doctrine of separation of powers is as important to the Legislative branch of government as it is to the Judicial and Executive branches.

James Madison, a principal author of the Constitution of the United States, expressed it eloquently when he wrote: The accumulation of all powers, legislative, executive, and judicial, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny.

Madison's admonition found its way into the Constitution of the United States and is found in Articles I, II and III. The doctrine was adopted in the 1889 Constitution of Montana in Article IV, Section 1, and, in 1972, the people of Montana adopted Article III, Section 1, of the Constitution of Montana providing: Separation of powers. The power of the government of this state is divided into three distinct branches--Legislative, Executive, and Judicial. No person or persons charged with the exercise of power properly belonging to one branch shall exercise any power properly belonging to either of the others, except as in this constitution expressly directed or permitted.

It is beyond challenge or argument that the constitutional doctrine of separation of powers is the linchpin that holds the constitutional guarantees of our government together. The right of our people to choose their form of government and to protect their lives, liberties and property is dependent upon this doctrine.

It is important for all of us to keep in mind that an effective government for the people of this state requires understanding and cooperation between the legislative, executive and judicial branches, recognizing, of course, the constitutional limitations on the respective areas of authority of each branch.

It is when one branch of government attempts to exercise the power of another branch of government that the separation of powers doctrine applies. There are many areas of administrative, nonpolicy matters in which inter-branch cooperation is needed and proper.

Your perspective, the Governor's perspective, and our perspective within the Judiciary must be guided by the knowledge that a strong and independent Judiciary is crucial to the preservation of our legal rights and constitutional liberty. Words in our state and federal constitutions, and in our state and federal statutes, are only words until they are construed and upheld by our courts. Such provisions are not self-executing. The members of the State Bar and our state courts are the first line of defense against attacks on these rights and liberties and are crucial to maintaining stability in difficult and changing times.

As all of you know, the Supreme Court in a unanimous opinion decided, February 27th, in the major class action tax case of Albright and others, against the State of Montana and others, reversed the order of the Cascade County District Court holding that the Department of Revenue had failed to equalize the values of taxpayers' properties as required by the Montana Constitution and as required by statute.

The Cascade County District Court concluded that the Department's market-based method of appraisal and

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equalization which utilizes, depending on available data, the market data approach, income approach and cost approach or combinations thereof, violated section 15-7-112, MCA. The District Court concluded that this section allowed only one method or approach to appraisal and that the Department's use of three approaches violated this statute. The District Court basically ruled that there can be no flexibility in appraisal by the Department. In this, the District Court erred.

Likewise the District Court erred in concluding that Article VIII, Section 3, of the Montana Constitution required that a single approach to appraised value is all that can be utilized by the Department.

The Supreme Court decision in the Albright case makes it clear that the framers of the Montana Constitution intended and the Constitution provides that the Legislature shall have broad flexibility to provide by statute for appraisal, assessment and equalization of all property in Montana. Article VIII, Section 3, of the Montana Constitution provides: "The state shall appraise, assess, and equalize the valuation of property which is to be taxed in a manner provided by law." There is no mention in this Article of any one or more methods or limitations on the Legislature in achieving these mandates.

The transcript of the Montana Constitutional Convention debate clearly establishes that this was the intent of the framers in adopting Article VIII, Section 3.

In debate, Delegate Russell C. McDonough was directed a question by Delegate Peter Lorello. The transcript states: Let's get to the word "equalize." And let's suppose that today we build a home in Billings costing \$25,000. Let's then build another home in Philipsburg, Montana, and it too will cost \$25,000. Now then, would you tell me what the taxes would be on these two homes? Just what would they be at the end of the year? How would you equalize these things, between the two cities?

Delegate McDonough answered: What we do by this proposal, we don't tell anybody how they're going to equalize these two taxes between these two counties; we leave that to the Legislature. And one thing I'd like to make clear on that here--that we don't say anything has to be equalized in any one manner. We leave that to the Legislature and the body that they set up We don't say that land has to be taxed on market value. And incidentally, houses are--residential houses are in Montana. We don't say that other land can't be taxed on productive value And there's nothing in what we're proposing that you can't tax it on productive value. This thing about changing--how do you arrive at valuation, we're leaving that wide open, because how to arrive at valuation of any piece of property is very complex. And market value is just one of the things you take into consideration. Now, on the difference between the houses. Presently now, houses are started off with--that class of property does start off with market value. And if the house is only worth--you build a house in Philipsburg and if there's not too much market for a house and you pay \$25,000 for it, it might only be worth 20. And if the Legislature says that houses will be on market value, then that house will be 20 in Philipsburg and 25 in Billings But I don't know what the Legislature is going to do. They might actually go to a rental value instead of a market value And they should be allowed that flexibility I know that the Fifty-Fifth Legislature has serious issues pending concerning property taxation. The Supreme Court's February 27th opinion in the Albright case reaffirms that the delegates to the Montana Constitutional Convention and the Constitution provide the Legislature the authority to equalize the value of taxable property in Montana as the Legislature, by law, shall determine and that the Legislature is not limited in providing methods for fair and equitable assessment and appraisal to achieve equalization.

Some review of the ever-increasing litigation filed in our courts of limited jurisdiction, district courts and the Supreme Court is needed for all of us to have a perspective on the case loads of the Montana Judiciary.

I realize that statistics are not altogether appealing and if you occasionally look at your watches, I will not be concerned--unless you start shaking them.

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The number of new case filings in the Supreme Court for 1996 was 731. Compared to the 580 case filings in 1995, this is a 21 percent increase. If the percentage increase continues in this and future years, the appellate work of the Court will be in jeopardy. Inevitable delay in resolving appeals will occur, and time needed to carefully consider appellate matters will suffer. We urge this Legislature and the next Legislatures to consider providing some type of intermediate appellate court system for Montana. Thirty-nine states now have such courts and many have, in addition, family courts or youth courts.

On case dispositions by opinion for civil cases, tort actions amounted to 20 percent of the case load. Of the other 80 percent of the civil case dispositions, 27 percent related to family law matters--disputes most often involving children, their custody and support.

Case loads continue to increase in the District Courts. 1996 new case filings amounted to 33,721 cases--a significant 2.6 percent increase over 1995.

The new case filings in courts of limited jurisdiction will exceed 300,000 cases in 1996--what I believe will result in a significant increase over 1995.

Increased complexity of litigation and increased litigation in general confront our court system and will, without a doubt, continue to confront our court system in the future. I would like to take just a moment to talk with you about an issue that has troubled me for some time. It hovers over our entire judicial process.

Take a moment to think back to your own life experiences and ask yourself when was the last time you heard the simple statement, "I am responsible." In our criminal justice system, in our civil justice system, and as we are reminded daily in the media, in today's world nobody is responsible for anything. Either things just happen or, more likely, we are all victims.

Evading individual responsibility is not an excuse--it has become a given. Unfortunately, this, I fear, is a public mindset, coupled with a lack of civility between individual citizens, which forms a nesting ground and rookery for increased litigation.

The Book of Genesis reminds us that shirking individual responsibility is as old as the story of mankind. When it came time to explain the missing fruit and the loss of innocence, Adam blamed Eve, and Eve blamed the serpent.

In addition to the Court's work rendering decisions on appeals and other matters filed before the Court, many other duties of the Court require attention on virtually a daily basis.

The Court is responsible for the overview and management of many important boards and commissions--Sentence Review, Commission on Practice, Board of Bar Examiners and Character and Fitness of applicants for admission to the Bar, Commission on Courts of Limited Jurisdiction and other important programs mandated by legislation. The Judiciary is fortunate to have attorneys and lay persons who, without compensation, give generously of their time and talents to serve on these boards and commissions.

A major accomplishment in 1996 has been the addition of Rule 54 to the Montana Rules of Appellate Procedure providing for mandatory Alternative Dispute Resolution. The Supreme Court authorized a committee to review and make recommendations for adoption of what is now Rule 54.

The Court takes this opportunity to recognize and express its thanks to the members of this committee whose work encompassed many hours of meetings and drafting to produce Rule 54.

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The fundamental purpose of Rule 54 is to provide the citizens of Montana with final resolution of disputed matters appealed to the Supreme Court in a timely and cost effective procedure.

The structure of Rule 54 provides a mediation process that offers a pathway to settlement of litigation. Rule 54 provides for mediation in three areas of civil law: workers' compensation, domestic relations and money judgments.

The rule has been in effect only a short period of time and has resulted in settlements in domestic relation and money judgment areas of civil appeals.

There is much to be said for the old adage that a poor settlement is better than a good lawsuit.

Another step taken in 1996 was the establishment of an ad hoc commission to review and propose revisions to the Rules for Admission to the Bar of the State of Montana. This commission is comprised of representatives from the law school, the judiciary, the bar and the public at large. It is charged with the responsibility of submitting to the Supreme Court a comprehensive review and report incorporating any changes and recommendations it considers necessary to improve the rules and programs in the admission process.

Montana's judicial system also includes two legislatively-created courts that are identified as administrative courts, each of which plays an important role in Montana.

The Workers' Compensation Court has a very heavy case load and is a focal point of matters of great concern to Montana--the workers' compensation system. This court must provide a just and fair system for resolving workers' compensation claims and disputes.

The Legislature also created the Water Courts of Montana which have a task that is almost beyond description in workload. Ultimately, this court system will put to rest the question of a fair and just determination of water rights of Montanans.

I commend your inclusion of a study proposed in House Bill 493, now in appropriations, addressing family law. Nearly all family law issues involve the best interest of small children. Avoidance of delay in resolving and bringing stability into the life of a child is imperative. Delay of often two years or more in litigation over who shall have custody of a young child is an eternity in the life of that child. Any step forward in the area of family law will be welcome.

A startling development throughout our court system is a large increase in the number of pro se litigants who cannot afford attorney representation and the costs of litigation. This includes not only those who seek access to the courts to bring a suit for legitimate redress, but those who find themselves in a court suit as defendants to defend themselves and present a legitimate defense. It is not only the low income citizens, but the average working man or woman of middle income that cannot afford what may be ruinous legal expenses.

In order to obtain their constitutional right of access to the courts, they resort to representing themselves pro se, most often with disastrous results and a denial of their right to justice.

Cuts on the national level for support of legal services has exacerbated this problem. Whatever this legislature can do to provide funding and support to legal services in Montana for those entitled to such assistance will in part help to assure justice to everyone.

The Judiciary takes this opportunity to thank the Legislature for enacting in 1995 a fair and reasonable provision for judicial compensation. This provision will eliminate the problem of seeking at every legislative session requests

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for consideration of judicial compensation.

The Judiciary also takes this opportunity to thank the legislature for providing in 1995 support for automation of Montana's court system. Major progress has been made since the last session, and on the District Court level all fifty-six county courts will be completed before the next session of the legislature.

Automation technology has been installed in approximately 45 percent of the 138 courts of limited jurisdiction.

One of the important and difficult tasks that the office of the court administrator has been directed to pursue is the development of our own case management system---in other words, the software that is required to run the computers. This task has been achieved and is being updated as new developments require. The importance of owning and developing in-house software is obvious. There is no need to pay an outside provider an exorbitant amount of lease money in order to use a software rented package. On a statewide basis in the long term, such in-house developed software, provided at no cost to the users in all of the counties of Montana, will save tax dollars in huge proportions.

A technical hotline was established by the court administrator to provide technical support to the district and limited jurisdiction courts where the new technology has been installed to quickly resolve automation questions. The automation staff has fielded an average of 400 of these questions each month.

These major accomplishments in court automation would not have been possible without the cooperation of the Legislature.

You will be provided with a detailed discussion of the statistics and other matters relating to each of the courts of Montana in the annual judicial report.

Our civil courts underpin our economy and way of life. They mirror and help develop positive changes in the economic, technological, ideological and moral conditions of society. They yield benefits far greater than those accruing to the litigants alone. For example, landmark cases represent turning points in law and social attitudes. Nonlitigants order their affairs by the results of these cases.

To those injured on the job or by a defective product, to victims of negligence, to those evicted unfairly, to defenders of our waterways against chemical dumping, to small businesses fending off monopolistic practices, to people with a grievance against their government, to abandoned children who need adoption or protective care, to farmers, ranchers and shop owners fighting to keep their properties and their doors open in difficult times, to those discriminated against on the basis of race, age, sex, religion, disability or other unlawful reasons, our civil courts represent the fulfillment of the basic need for fairness and justice.

When a young mother goes into a busy court to obtain an order that will protect her and her children from an abusive mate, she doesn't distinguish between the law enacted by the Legislature and the judge who administers it. In her view, it is one system. Either the law works and she is protected, or the law doesn't work and she and her children remain in danger.

Our mission is to administer justice and serve those who come to us to resolve their disputes.

I want to specifically acknowledge with gratitude the invaluable help and assistance of the State Bar of Montana. Its officers and members have unselfishly provided to the Court and the people of this State many services that were rendered without charge. Invaluable help and assistance also has been provided by the University of Montana School of Law, through the time and effort freely given by Dean Ed Eck and the faculty of the School of Law.

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I also recognize the professional and dedicated work of district judges, judges of courts of limited jurisdiction, the Clerk of the Supreme Court and his staff, clerks of the other courts and their staffs, Justices of the Supreme Court, staff of the Court, and the court administrator and his staff.

Without this professional and dedicated assistance, effective administration of justice would not be accomplished.

Times move quickly, and while the present may seem eternal, all too soon future generations will be here to appraise us as we now appraise the work of our forebears. When they do, they will hopefully conclude: This was our state--still in its youth--and we did our work well.

On behalf of the Montana Judiciary, I thank the members of the Legislature for their support and willingness to listen to the accomplishments and concerns of Montana's judiciary.

The members of the Supreme Court were escorted from the House Chambers by the escort committee.

Sergeants-at-Arms Skelton and Cramer escorted the Governor and distinguished guests from the House Chambers.

Senator Harp moved the joint session of the 55th Legislature be adjourned. Motion carried.

Members of the Senate retired from the House Chambers.

House resumed, Speaker Mercer in the Chair.

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 3/5/97
Correctly engrossed for third reading: SB 81, SB 80, SB 77, SB 76, SB 72, SB 59, SB 56, SB 52, SB 38, SB 35, SB 14, SB 12, SB 10, SB 9, SB 8, SB 36.
Correctly enrolled: HB 56, HB 70, HB 82.
Examined by the sponsor and found to be correct: HB 56, HB 70, HB 82.

BUSINESS & LABOR (Simon, Chairman): 3/4/97
SB 144, be amended as follows:

1. Title, line 10.
Following: "AMENDING"
Strike: "SECTION"
Insert: "SECTIONS 33-22-101 AND"

2. Page 6, line 5.
Insert: "Section 9. Section 33-22-101, MCA, is amended to read:
"33-22-101. Exceptions to scope. Parts 1 through 4 of this chapter, except 33-22-107, 33-22-110, 33-22-111, 33-22-114, 33-22-125, 33-22-130 through 33-22-132, 33-22-243, ~~and~~ 33-22-304, and [sections 1 through 8] do not apply to or affect:
(1) any policy of liability or workers' compensation insurance with or without supplementary expense coverage;
(2) any group or blanket policy;

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(3) life insurance, endowment, or annuity contracts or supplemental contracts that contain only those provisions relating to disability insurance as:

(a) provide additional benefits in case of death or dismemberment or loss of sight by accident or accidental means; or

(b) operate to safeguard contracts against lapse or to give a special surrender value or special benefit or an annuity in the event that the insured or annuitant becomes totally and permanently disabled, as defined by the contract or supplemental contract;

(4) reinsurance."

Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

House bills concurred in and returned to the House:

3/4/97

HB 66, introduced by Cocchiarella

HB 92, introduced by Tash

HB 115, introduced by Grimes

HB 143, introduced by Barnett

HB 148, introduced by Harrington

HB 165, introduced by Tuss

HB 182, introduced by Masolo

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 3/4/97

HB 120, introduced by Rose

HB 122, introduced by McGee

HB 123, introduced by Simpkins

HB 135, introduced by Smith

HB 207, introduced by Grady

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Rehbein in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 101 - Representative Taylor moved SB 101 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan,

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Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 98

Noes: Rehbein.
Total 1

Excused: None.
Total 0

Absent or not voting: Galvin.
Total 1

SB 103 - Representative McGee moved SB 103 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Wagner, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 90

Noes: Arnott, Bergsagel, Brainard, DeBruycker, Denny, M. Hanson, Story, Taylor, Vick, Walters.
Total 10

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 107 - Representative Story moved SB 107 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 99

Noes: McGee.

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Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 115 - Representative Beaudry moved SB 115 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Arnott, Brainard, DeBruycker, Kasten, Rehbein.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 121 - Representative Ewer moved SB 121 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Arnott, Boharski, Brainard, Jore, Prouse, Story, Taylor.

Total 7

Excused: None.

Total 0

Absent or not voting: Mills.

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Total 1

SB 126 - Representative Simpkins moved SB 126 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grimes, Grinde, Hager, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: Adams, Arnott, Boharski, Brainard, Jore, McGee, Orr, Peck, Tuss, Vick.

Total 10

Excused: None.

Total 0

Absent or not voting: Feland, Grady.

Total 2

SB 129 - Representative Orr moved SB 129 be concurred in.

Representative Anderson moved SB 129, second reading copy, be amended as follows (amendment #1):

1. Page 1, lines 20 and 21.

Following: "61-3-431"

Strike: "and" on line 20 through "61-13-103" on line 21

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hager, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Adams, Boharski, Brainard, Ewer, Jore, Tuss.

Total 6

Excused: None.

Total 0

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Absent or not voting: Simon.

Total 1

Motion to concur in SB 129, as amended, carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: Ewer, Tuss.

Total 2

Excused: None.

Total 0

Absent or not voting: Harrington.

Total 1

SB 131 - Representative Beaudry moved SB 131 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 83

Noes: Adams, Arnott, Barnhart, Bergsagel, Boharski, Feland, Grinde, Hagener, Hurdle, Jore, Kasten, Keenan, Krenzler, Quilici, Tuss, Vick, Wyatt.

Total 17

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 152 - Representative Devaney moved SB 152 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout,

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Carey, Cobb, Curtiss, DeBruycker, Devaney, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Kottel, Krenzler, Lawson, Marshall, McCulloch, McGee, Menahan, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 78

Noes: Arnott, Bankhead, Bergsagel, Brainard, Clark, Cocchiarella, Denny, Dowell, Feland, Grinde, Hayne, Jore, Keenan, Knox, Masolo, McCann, Mills, Orr, Sliter, Smith, Taylor, Wells.

Total 22

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 173 - Representative Devaney moved SB 173 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Heavy Runner, Hibbard, Holland, Jore, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Molnar, Mood, Ohs, Pavlovich, Peck, Prouse, Quilici, Rehbein, Rose, Ryan, Simon, Simpson, Sliter, Squires, Stovall, Tash, Taylor, Vick, Wagner, Wiseman, Zook, Mr. Speaker.

Total 58

Noes: Barnhart, Brainard, Carey, Denny, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Hayne, Hurdle, J. Johnson, R. Johnson, Kottel, Krenzler, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Orr, Pease, Raney, Ream, Sands, Schmidt, Simpkins, Smith, Soft, Story, Swanson, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wyatt.

Total 42

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 183 - Representative Ohs moved SB 183 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick,

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Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 95

Noes: Bergsagel, Jore, Wagner.
Total 3

Excused: None.
Total 0

Absent or not voting: Harrington, Pavlovich.
Total 2

SJR 4 - Representative Hibbard moved SJR 4 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Curtiss, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, Kitzenberg, Knox, Kottel, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 70

Noes: Adams, Arnott, Bergsagel, Bitney, Brainard, Cocchiarella, DeBruycker, Denny, Devaney, Feland, Grinde, M. Hanson, Hayne, R. Johnson, Jore, Kasten, Keenan, Krenzler, McGee, Molnar, Mood, Rehbein, Sliter, Soft, Taylor, Vick, Wagner, Walters, Wells.
Total 29

Excused: None.
Total 0

Absent or not voting: Prouse.
Total 1

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Rehbein moved that the Committee of the Whole report be adopted. Report adopted. (84-13)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 8 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler,

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Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Arnott, Brainard, Denny, Jore, Keenan, Orr, Wagner.

Total 7

Voted Absentee: Heavy Runner, Aye.

Excused: None.

Total 0

Absent or not voting: Grady.

Total 1

SB 9 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Feland, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 91

Noes: Barnhart, Cocchiarella, Ewer, Galvin, Grinde, Kottel, Peck, Simpson, Wyatt.

Total 9

Voted Absentee: Heavy Runner, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 10 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall,

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Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Bergsagel, Cocchiarella, Curtiss, Heavy Runner, Jore, Kasten, Orr, Rehbein, Sands.

Total 9

Voted Absentee: Heavy Runner, No.

Excused: None.

Total 0

Absent or not voting: Molnar.

Total 1

SB 12 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Heavy Runner, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 14 concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

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Total 90

Noes: Adams, Arnott, Bergman, Brainard, Curtiss, DeBruycker, Jore, Orr, Wagner.

Total 9

Voted Absentee: Heavy Runner, Aye.

Excused: None.

Total 0

Absent or not voting: Grinde.

Total 1

SB 35 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Heavy Runner, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 36 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

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Noes: Arnott, Cobb, Jore, Rehbein, Smith.
Total 5

Voted Absentee: Heavy Runner, Aye.

Excused: None.
Total 0

Absent or not voting: Bookout.
Total 1

SB 38 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 99

Noes: Bergsagel.
Total 1

Voted Absentee: Heavy Runner, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 52 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bitney, Boharski, Bohlinger, Bookout, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Prouse, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.
Total 79

Noes: Arnott, Bergman, Bergsagel, Brainard, Carey, Clark, Ellingson, Ewer, Galvin, Gillan, Hagener, Heavy Runner, Hurdle, Kottel, Krenzler, Peck, Quilici, Rehbein, Tuss, Wyatt.
Total 20

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Voted Absentee: Heavy Runner, No.

Excused: None.

Total 0

Absent or not voting: McCann.

Total 1

SB 56 concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: Adams, Arnott, Bergsagel, Boharski, Brainard, Jore, Kasten, Keenan, Smith, Vick, Wagner.

Total 11

Voted Absentee: Heavy Runner, Aye.

Excused: None.

Total 0

Absent or not voting: Ohs.

Total 1

SB 59 concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Adams, Arnott, Boharski, Brainard, Cobb, Feland, Jore, Orr, Vick, Wagner.

Total 10

Voted Absentee: Heavy Runner, Aye.

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Excused: None.

Total 0

Absent or not voting: Beaudry.

Total 1

SB 72 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 100

Noes: None.

Total 0

Voted Absentee: Heavy Runner, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 76 concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Feland, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Kitzenberg, Knox, Krenzler, Marshall, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Prouse, Quilici, Ream, Rehbein, Rose, Ryan, Simon, Simpkins, Simpson, Soft, Story, Stovall, Tash, Taylor, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 65

Noes: Adams, Arnott, Bergsagel, Bitney, Boharski, Carey, Cocchiarella, Ellingson, Ewer, Galvin, Gillan, Harper, Hurdle, Jore, Kasten, Keenan, Kottel, Lawson, Masolo, McCann, McCulloch, McGee, Molnar, Orr, Peck, Raney, Sands, Schmidt, Sliter, Smith, Squires, Swanson, Trexler, Tuss, Whitehead.
Total 35

Voted Absentee: Heavy Runner, Aye.

Excused: None.

Total 0

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Absent or not voting: None.

Total 0

SB 77 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Bankhead, Brainard, Hurdle, Orr.

Total 4

Voted Absentee: Heavy Runner, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 80 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Heavy Runner, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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SB 81 concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook.

Total 92

Noes: Adams, DeBruycker, Jore, Orr, Prouse, Vick, Wagner, Mr. Speaker.

Total 8

Voted Absentee: Heavy Runner, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

MOTIONS

SB 9 - Representative Ewer moved he be allowed to change his vote on SB 9, third reading, from aye to nay. Motion carried.

SB 9 - Representative Sands moved she be allowed to change her vote on SB 9, third reading, from abstain to aye. Motion carried.

SB 81 - Representative Sands moved she be allowed to change her vote on SB 81, third reading, from abstain to aye. Motion carried.

SB 117 - Representative Grinde moved SB 117 be taken from the Committee on State Administration and rereferred to the Committee on Education. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Thursday, March 6, 1997. Motion carried.

House adjourned at 2:57 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL
FORTY-NINTH LEGISLATIVE DAY**

Helena, Montana
March 6, 1997

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Burton Pretty On Top. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. Speaker welcomed students and teachers from Rocky Mountain Preschool who entertained the House Chambers with a song.

Mr. Speaker and Representative Ahner welcomed the State Champion Capital High School football team and coaches into the House Chambers. The coaches and players introduced themselves to the House.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the forty-fifth, forty-sixth and forty-seventh legislative days, find the same to be correct.

Hayne, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 3/6/97
Correctly printed for second reading: SB 144.
Correctly engrossed for third reading: SB 129, SB 152, SB 173, SB 101, SB 103, SB 107, SB 115, SB 121, SB 126, SB 131, SB 183, SJR 4.
Signed by the Speaker at 3:50 p.m., March 6, 1997: SB 1, HB 82, HB 70, HB 56.

BUSINESS & LABOR (Simon, Chairman): 3/5/97
SB 62, be concurred in. Report adopted.

SB 83, be amended as follows:

1. Title, line 10.
Strike: "AND"
2. Title, line 13.
Following: "MCA"
Insert: "; AND PROVIDING EFFECTIVE DATES AND A TERMINATION DATE"
3. Page 6, line 5.
Strike: "of \$5,000"
Insert: "set by the board under [section 12]"
4. Page 8, line 11.
Strike: "Charter"
Insert: "Application, charter,"
Following: "fee."
Insert: "(1) An applicant for a state charter shall pay a fee established by the board by rule. The application fee

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must be commensurate with the cost of conducting a background check on the person applying for the charter."

Renumber: subsequent subsections

5. Page 8, line 12.

Following: "\$50,000"

Insert: ", less the amount paid for the application fee pursuant to subsection (1)"

6. Page 8, line 15.

Strike: "and (2)"

Insert: "through (3)"

7. Page 14, lines 18 and 20.

Strike: "crime"

Insert: "felony"

8. Page 30, line 2.

Following: "purpose;"

Insert: "or"

9. Page 30, line 4.

Following: "system;"

Strike: "or"

Insert: "and"

10. Page 32, line 8.

Strike: "0.625%"

Insert: "0.75%"

11. Page 47, line 30.

Insert: "NEW SECTION. Section 89. Effective dates. (1) Except as provided in subsection (2), [this act] is effective October 1, 1997.

(2) [Section 7] is effective on passage and approval."

Renumber: subsequent section

And, as amended, be concurred in. Report adopted.

SB 192, be amended as follows:

1. Title, lines 6 and 7.

Following: "TO" on line 6

Strike: the remainder of line 6 through "CONDUCT" on line 7

Insert: "CONTRACT WITH A DENTIST TO MANAGE"

2. Page 4, lines 9 and 10.

Following: "from" on line 9

Strike: the remainder of line 9 through "conducting" on line 10

Insert: "contracting with a dentist to manage the dental practice at"

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3. Page 5, lines 2 and 3.

Following: "may" on line 2

Strike: the remainder of line 2 through "conduct" on line 3

Insert: "contract with a dentist to manage the dental practice at"

And, as amended, be concurred in. Report adopted.

EDUCATION (Ellis, Chairman):

3/6/97

SB 95, be amended as follows:

1. Title, line 8.

Following: "AN"

Insert: "IMMEDIATE"

2. Page 4, line 29.

Strike: "July 1, 1997"

Insert: "on passage and approval"

And, as amended, be concurred in. Report adopted.

SB 165, be amended as follows:

1. Title, line 9.

Following: " ; "

Insert: "PROVIDING AN APPROPRIATION ;"

Following: "DATE"

Insert: "AND A TERMINATION DATE"

2. Page 5.

Following: line 27

Insert: "NEW SECTION. Section 4. Appropriation. (1) There is appropriated from the general fund to the office of public instruction for the biennium beginning July 1, 1997, \$105,760 for the education payments required in [section 2].

(2) Any amount remaining from the appropriation at the end of the biennium reverts to the general fund."

Renumber: subsequent sections

3. Page 6.

Following: line 3

Insert: "NEW SECTION. Section 7. Termination. [This act] terminates June 30, 1999."

And, as amended, be concurred in. Report adopted.

SB 207, be concurred in. Report adopted.

HUMAN SERVICES (Grimes, Chairman):

3/6/97

SB 55, be concurred in. Report adopted.

SB 288, be concurred in. Report adopted.

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STATE ADMINISTRATION (Denny, Chairman):
SB 180, be concurred in. Report adopted.

3/5/97

TAXATION (Hibbard, Chairman):
HB 63, introduced bill, be amended as follows:

3/5/97

1. Title, line 5.

Strike: "INCREASING"

Insert: "REALLOCATING THE PROCEEDS OF"

Following: "BY"

Insert: "DEPOSITING"

2. Title, line 6.

Following: "\$1"

Insert: "PER VEHICLE IN A SPECIAL REVENUE ACCOUNT"

Strike: "REVENUE"

Insert: "REALLOCATED FUNDS"

3. Title, lines 7 and 8.

Strike: "EXCLUDING" on line 7 through ";" on line 8

Strike: "SECTIONS" on line 8

Insert: "SECTION"

4. Title, line 9.

Strike: "AND 61-4-501"

5. Page 1, lines 27 and 28.

Strike: "; and" on line 27 through "(2)(d)" on line 28

6. Page 2, lines 1 and 2.

Strike: ":(a)"

7. Page 2, lines 3 and 4.

Strike: ":(a)" on line 3 through "(4)(a)" on line 4

8. Page 2, lines 5 and 6.

Strike: ":(a)"

9. Page 2, lines 6 and 7.

Strike: ":(a)" on line 6 through "(5)(a)"

10. Page 2, line 8.

Strike: "(a) Except as provided in subsection (6)(b), the"

Insert: "The"

11. Page 2, line 9.

Following: "days"

Strike: "for credit"

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Insert: ". The state treasurer shall deposit \$1 of the tax on each new motor vehicle in a special revenue account to be used by the department of commerce in carrying out its duties under Title 61, chapter 4, part 5, with the balance of the proceeds to be credited"

12. Page 2, lines 12 through 14.
Strike: subsection (b) in its entirety

13. Page 3, line 9 through page 4, line 4.
Strike: section 2 in its entirety
Renumber: subsequent section

And, as amended, do pass. Report adopted.

HB 555, introduced bill, do pass. Report adopted.

SB 151, be concurred in. Report adopted.

SB 191, be concurred in. Report adopted.

SB 213, be concurred in. Report adopted.

SPECIAL ORDERS OF THE DAY

Sergeant-at-Arms Skelton escorted select members of the Senate into the House Chambers.

Senator Foster presented the coveted basketball trophy to the House of Representatives as winners of the Senate-House of Representatives biennial basketball game.

MESSAGES FROM THE SENATE

House bills concurred in and returned to the House: 3/5/97

HB 12, introduced by Quilici
HB 23, introduced by Ohs
HB 71, introduced by Mood
HB 97, introduced by Devaney
HB 274, introduced by Vick

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 3/5/97

HB 10, introduced by Quilici
HB 28, introduced by Rose
HB 77, introduced by Simpkins

**FIRST READING AND COMMITMENT
OF BILLS AND RESOLUTIONS**

The following House bill was introduced, read first time, and referred to committee:

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HB 598, introduced by Trexler, Prouse, Simon, Tuss, Bitney, Masolo, Tropila, Stovall, Squires, Ewer, Pavlovich, Devaney, Sliter, Gillan, Lawson, Krenzler, Marshall, Barnett, Bookout-Reinicke, referred to Committee on Business & Labor.

MOTIONS

SB 536 and SB 100 - Representative Grinde moved SB 536 and SB 100 be passed for the day on second reading for the purpose of an amendment. Motion carried.

SB 173 - Representative Grinde moved SB 173 be taken from third reading and brought back to second reading for the purpose of an amendment. Motion carried.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Tuss in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 434 - Representative Hibbard moved HB 434 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cocchiarella, Denny, Devaney, Dowell, Ellingson, Ellis, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Ohs, Pavlovich, Pease, Peck, Quilici, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Walters, Whitehead, Wiseman, Wyatt, Zook.

Total 75

Noes: Adams, Arnott, Bankhead, Barnhart, Bergsagel, Brainard, Cobb, Curtiss, DeBruycker, Ewer, Hurdle, Jore, Kasten, McCann, Molnar, Mood, Orr, Prouse, Raney, Rehbein, Tuss, Vick, Wagner, Wells, Mr. Speaker.

Total 25

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Tuss moved that the Committee of the Whole report be adopted. Report adopted. (93-7)

THIRD READING OF BILLS

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The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 101 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 103 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Bergman, Bitney, Boharski, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Trexler, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 89

Noes: Arnott, Bergsagel, Bookout, Brainard, Denny, M. Hanson, Keenan, Story, Taylor, Tuss.

Total 10

Excused: None.

Total 0

Absent or not voting: Beaudry.

Total 1

SB 107 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney,

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Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 100

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 115 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 94

Noes: Arnott, Brainard, DeBruycker, Kasten, Rehbein.
Total 5

Excused: None.
Total 0

Absent or not voting: Tuss.
Total 1

SB 121 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Trexler, Tropila, Wagner, Walters, Wells,

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Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Arnott, Boharski, Brainard, Jore, Keenan, Story, Taylor, Tuss, Vick.

Total 9

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 126 concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Adams, Arnott, Boharski, Brainard, Grinde, Jore, McGee, Orr, Peck, Tuss, Vick.

Total 11

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 131 concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 85

Noes: Adams, Arnott, Barnhart, Bergsagel, Boharski, Hagener, Hurdle, Jore, Kasten, Keenan, Krenzler, Sliter, Tuss, Vick, Wyatt.

Total 15

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Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 152 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, Kasten, Kitzenberg, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 84

Noes: Arnott, Bankhead, Brainard, Denny, Hayne, R. Johnson, Jore, Keenan, Knox, McCann, Mills, Orr, Smith, Soft, Taylor, Wells.
Total 16

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 183 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 93

Noes: Arnott, Bergsagel, Hagener, Jore, Tuss, Wagner.
Total 6

Excused: None.
Total 0

Absent or not voting: Vick.
Total 1

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SJR 4 concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Curtiss, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, Kitzenberg, Knox, Kottel, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Whitehead, Wiseman, Wyatt, Zook.

Total 72

Noes: Adams, Arnott, Bergman, Bergsagel, Brainard, Cocchiarella, DeBruycker, Denny, Devaney, Grinde, M. Hanson, Hayne, R. Johnson, Jore, Kasten, Keenan, Krenzler, McGee, Molnar, Rehbein, Sliter, Soft, Taylor, Vick, Wagner, Walters, Wells, Mr. Speaker.

Total 28

Excused: None.

Total 0

Absent or not voting: None.

Total 0

MOTIONS

SB 45 - Representative Molnar moved SB 45 be taken from the Committee on Business & Labor and rereferred to the Committee on Judiciary. Motion failed. (47-51)

Representative Grimes moved the rules be suspended to permit the late drafting and introduction of a bill in Human Services. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Friday, March 7, 1997. Motion carried.

House adjourned at 2:17 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

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Helena, Montana
March 7, 1997

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Wells. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 3/7/97
Correctly printed for second reading: HB 63, HB 555, SB 83, SB 95, SB 165, SB 192, SB 55, SB 62, SB 151, SB 180, SB 191, SB 207, SB 288, SB 213.
Correctly engrossed for third reading: HB 434.
Correctly enrolled: HB 12, HB 23, HB 71, HB 274, HB 97, HB 66, HB 92, HB 143, HB 148, HB 115, HB 165, HB 182.
Examined by the sponsor and found to be correct: HB 12, HB 71, HB 97, HB 143, HB 148, HB 182, HB 274, HB 23, HB 115, HB 92.

AGRICULTURE (Barnett, Chairman): 3/7/97
SB 132, be amended as follows:

1. Title, line 6.

Strike: "WHEN THE STREAM ACCESS LAW APPLIES"

Insert: "FOR CERTAIN INCIDENTAL PURPOSES"

2. Title, line 9.

Following: "HUNTING"

Insert: "AND CERTAIN FISHING"

3. Page 1, line 10.

Insert: "WHEREAS, the act of recreating on private land is a privilege and not a right; and
WHEREAS, it is common courtesy to ask permission before entering private property; and
WHEREAS, increased communication normally leads to less confrontation; and
WHEREAS, with increasing recreational activity on private land, it is essential to maintain a good rapport between landowners and recreationalists; and
WHEREAS, the state of Montana holds the free-roaming wildlife in public trust and it is the responsibility of the state to work diligently with all interested parties to inform and educate them on all aspects of recreational activities; and
WHEREAS, it is an unfunded mandate by the state to require private property owners to post property to prevent public access."

4. Page 1, line 16.

Strike: "Except as provided in Title 23, chapter 2, part 3, privilege"

Insert: "Privilege"

5. Page 2, line 10.

Following: "."

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Insert: "A person who incidentally enters property closed to public access is not in violation of this subsection if the entry is because of the person's mistaken belief concerning the location of property boundaries."

6. Page 2, line 11.

Strike: "attempt to"

7. Page 2, line 14.

Strike: "attempting to educate and inform"

Insert: "educating and informing"

8. Page 2, line 18.

Following: line 17

Insert: "(6) This section does not prevent the entry upon property by emergency personnel, individuals engaged in retrieving stray livestock, persons who enter for purposes of inquiry or incidental solicitation, or persons with express or implied permission to conduct business or service-related activities."

Renumber: subsequent subsections

9. Page 2, line 23.

Following: "hunting"

Insert: "and fishing"

10. Page 2, line 25.

Following: "property"

Insert: "or fishing upon waters not subject to access under Title 23, chapter 2, part 3"

And, as amended, be concurred in. Report adopted.

BUSINESS & LABOR (Simon, Chairman):

3/7/97

SB 104, be concurred in. Report adopted.

JUDICIARY (Clark, Chairman):

3/6/97

SB 16, be concurred in. Report adopted.

SB 32, be concurred in. Report adopted.

SB 33, be concurred in. Report adopted.

SB 54, be amended as follows:

1. Title, line 11.

Following: line 10

Insert: "PROVIDING FOR REIMBURSEMENT OF OTHER GOVERNMENT AGENCIES AND OF INSURERS WHO HAVE COMPENSATED THE VICTIM;"

2. Page 4, line 28 through line 4 of page 5.

Strike: subsection (3) in its entirety

Insert: "(3) The money applied under subsection (2) to the payment of restitution must be paid in the following order:

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- (a) to the victim until the victim's unreimbursed pecuniary loss is satisfied;
- (b) to the crime victims compensation and assistance account provided for in 53-9-109 until the account is fully reimbursed for compensation to the victim;
- (c) to any other government agency that has compensated the victim for the victim's pecuniary loss;
- (d) to any insurance company that has compensated the victim for the victim's pecuniary loss."

And, as amended, be concurred in. Report adopted.

SB 212, be amended as follows:

1. Title, line 4.

Strike: "VERDICT DETERMINING A CLAIM FOR"

Insert: "AWARD OF"

2. Title, line 5.

Strike: "LIABILITY AND"

Following: "AMOUNT;"

Strike: "AND"

3. Title, line 6.

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE"

4. Page 2, line 1.

Strike: "A jury verdict determining"

Strike: "A CLAIM for"

Insert: "An award of"

5. Page 2, line 2.

Strike: "liability and"

6. Page 3, line 2.

Insert: "NEW SECTION. Section 2. Applicability. [This act] applies to causes of action that arise after [the effective date of this act].

NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval."

And, as amended, be concurred in. Report adopted.

SELECT CORRECTIONS (Bergsagel, Chairman):

3/7/97

SB 15, be concurred in. Report adopted.

STATE ADMINISTRATION (Denny, Chairman):

3/6/97

SB 124, be amended as follows:

1. Title, lines 13 and 14.

Strike: "PROVIDING THAT" on line 13

Insert: "REVISING CERTAIN PROVISIONS RELATED TO"

Strike: "MAY" on line 13 through "BOARD" on line 14

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2. Title, line 21.

Following: "19-7-708,"

Insert: "19-7-801,"

3. Page 5, line 6.

Strike: "third party"

Insert: "retiree organization formed for board-administered retirement system participants and"

4. Page 5, line 8.

Strike: "third party"

Insert: "organization"

5. Page 12, lines 7 and 8.

Strike: "A court" on line 7 through "board" on line 8

Insert: "Each family law order establishing a final obligation concerning payments by the retirement system must contain a statement that the order is subject to review and approval by the board"

6. Page 22.

Following: line 15

Insert: "Section 28. Section 19-7-801, MCA, is amended to read:

"19-7-801. Membership in municipal police officers' retirement system prior to or following city-county consolidation -- payment of benefits by two systems. (1) A law enforcement officer who has not changed employment but who has, because of a city-county consolidation, been transferred either from a city police force to a county sheriff's department or from a county sheriff's department to a city police force as a law enforcement officer is eligible for a service retirement benefit if the officer's combined service in the sheriffs' retirement system and the municipal police officers' retirement system satisfies the minimum membership service requirement of the system to which the officer last made contributions. A member who has elected to continue membership in the public employees' retirement system under 19-7-301 may continue the election. However, credit for service in the public employees' retirement system that has not been transferred prior to January 1, 1979, may not be transferred.

(2) Eligibility for and calculation of disability retirement, death benefits, and refund of contributions are governed by the provisions of the retirement system to which the officer last made contributions.

(3) The service retirement benefit of a member described in subsection (1) must be calculated separately for each system based on the service credited under each system. The calculation for the sheriffs' retirement system portion of the benefit must include the appropriate reduction in the retirement benefit for an optional retirement benefit elected under 19-7-1001. The final salary or final average salary for each calculation must be based on the highest compensation earned while a member of either system. Each system shall pay its proportionate share, based on the number of years of service credited, of the combined benefit. ~~The combined benefit may not exceed 60% of the member's final salary or final average salary.~~

(4) Upon the death of a retired member receiving a service retirement benefit under this section, the survivor or contingent annuitant and the continuing benefit must be determined separately for each system as follows:

(a) For the municipal police officers' retirement system portion of the benefit, the surviving spouse must receive a benefit equal to the municipal police officers' retirement system portion of the service retirement benefit as calculated at the time of the member's retirement. If the retired member leaves no surviving spouse or upon the death of the surviving spouse, the retired member's surviving dependent child, or children collectively if there are more than one, shall receive the same monthly benefits that a surviving spouse would receive for as long as the child or one of the children remains dependent as defined in 19-9-104. The benefits must be made to the child's appointed guardian for the child's use. If there is more than

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one dependent child, upon each child no longer qualifying as dependent under 19-9-104, the pro rata benefits to that child must cease and be paid to the remaining children until all the children are no longer dependent.

(b) For the sheriffs' retirement system portion of the benefit:

(i) the contingent annuitant must receive a continuing benefit as determined under 19-7-1001, if the retired member elected an optional retirement benefit; or

(ii) if the retired member did not elect an optional retirement benefit, any payment owed the retired member, including the excess, if any, of the retired member's accumulated contributions standing to the retired member's credit at the time of retirement less payments made to the retired member must be paid to the retired member's designated beneficiary. ""

Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

TAXATION (Hibbard, Chairman):

3/6/97

HB 566, introduced bill, do pass. Report adopted.

SB 49, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

House bills not concurred in and returned to the House:

3/4/97

HB 41, introduced by Cobb

HB 294, introduced by Cobb

House joint resolution concurred in and returned to the House:

3/6/97

HJR 3, introduced by DeBruycker

House bill concurred in and returned to the House:

3/6/97

HB 22, introduced by Kottel

House bills concurred in as amended and returned to the House for concurrence in Senate amendments:

3/6/97

HB 3, introduced by Zook

HB 9, introduced by Bergsagel

HB 53, introduced by Bohlinger

HB 76, introduced by Masolo

**FIRST READING AND COMMITMENT
OF BILLS AND RESOLUTIONS**

The following House bill was introduced, read first time, and referred to committee:

HB 599, introduced by Bankhead, Masolo, DePratu, Hurdle, Krenzler, Rose, Simon, Denny, Bergman, Taylor,

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Wells, Adams, Wagner, Arnott, Mood, Curtiss, Orr, M. Hanson, Smith, Grimes, Hayne, Marshall, Walters, Schmidt, Ohs, Feland, Tropila, Burnett, Kitzenberg, Story, Baer, Mercer, Carey, Bohlinger, Stang, Ryan, Stovall, Bookout-Reinicke, Grinde, Mahlum, Keating, Taylor, Knox, Beaudry, Hibbard, Trexler, Grady, Ellis, McGee, Glaser, Harp, Mohl, Sprague, Mesaros, Thomas, McNutt, Cole, Benedict, Crismore, Aklestad, Jenkins, Emerson, referred to Committee on Taxation.

Representative Sliter excused at this time.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Taylor in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 536 - Representative Bohlinger moved HB 536 do pass.

Representative Boharski moved HB 536, second reading copy, be amended (amendment #1).

Representative Harper rose on a point of order challenging the amendment as changing the intent of the legislation and a point of order challenging the constitutionality of the amendment.

Greg Petesch, Legislative Council attorney, ruled that 1) the amendment does fit into the original purpose of the bill and 2) the amendment does violate the constitutionality of the legislation.

Representative Boharski challenged the ruling.

Representative Grinde moved for an immediate Rules Committee meeting.

The House recessed at 1:50 p.m.

The House reconvened at 2:03 p.m.

Representative Grinde announced the Rules Committee will allow the amendment to stand based on Greg Petesch's ruling that the amendment does fit into the original purpose of the bill.

Representative Menahan moved for cloture. Motion carried.

Amendment #1 failed as follows: (46-54)

Representative Clark moved for cloture. Motion carried.

Motion to pass HB 536 carried as follows:

Ayes: Anderson, Arnott, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Cocchiarella, Denny, Devaney, Dowell, Ellingson, Ellis, Feland, Galvin, Gillan, Grady, Grimes, Grinde,

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Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Simon, Simpson, Soft, Squires, Story, Stovall, Tash, Taylor, Trexler, Tropila, Vick, Walters, Whitehead, Wyatt, Zook, Mr. Speaker.
Total 75

Noes: Adams, Ahner, Bankhead, Brainard, Clark, Cobb, Curtiss, DeBruycker, Ewer, Hurdle, Jore, Kasten, Lawson, McGee, Orr, Prouse, Schmidt, Simpkins, Sliter, Smith, Swanson, Tuss, Wagner, Wells, Wiseman.
Total 25

Voted Absentee: Sliter, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Taylor moved that the Committee of the Whole report be adopted. Report adopted. (84-13)

SPECIAL ORDERS OF THE DAY

Sergeant-at-Arms Skelton escorted the Honorable Senator Conrad Burns into the House Chambers.

Mr. Speaker welcomed Senator Burns who delivered the following address:

Mr. Speaker, members of the leadership, members of the Montana House of Representatives: Thank you for inviting me to visit with the 55th Montana Legislative Session and share some thoughts. I am honored to be here today.

I just had the opportunity to address your colleagues on the Senate side, and I am happy to report that some of them are still awake, so be thee warned as this is your first opportunity to escape. I visited with them a little about what I see as the changing relationship between the federal government and the State of Montana. Now I'd like to talk with you about what isn't changing - the federal government's continuing and vital presence in our state.

Let me make one thing clear at the outset: I firmly believe the federal government has a role, some of it here in our home state of Montana. Our remoteness, our sparse population, and the fact that one-third of our land is federally owned make that a fact of life. Montana has needs that are unique among our neighbors, and some of these needs cannot be met by the state, either by law or by practicality. But on the other side of the equation, that federal presence must remain limited. With federal funds and programs often come strings attached, intrusion into our lives and livelihoods, and an approach to governing that is sometimes at odds with our Montana sensibilities.

I see two areas in which states will assume a more important place at the table, namely, the deregulation of telecommunications industries and the possible deregulation of electric utilities.

The Telecommunications Act of 1996 is a good law, but it can be weakened by regulations that subvert the intent

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of Congress. It is pro-consumer and pro-rural America. The law will ensure that all Americans, urban or rural, gain access to the most advanced telecommunications capability as quickly as market forces allow. But in lesser-populated areas where competition is slower to evolve, we will find that the universal service provisions are especially vital.

As chairman of the Senate Subcommittee on Communications, I will closely monitor the FCC as the rule-making process moves ahead. It is clearly the intent of this legislation that FCC rules should not increase costs or decrease services for rural consumers. We must also realize that competition should not come at the expense of access in rural areas, and I worked hard to make sure the Telecommunications Act reflects these principles.

This legislation envisions an expanded state role in telecommunications, but it does not mean that the federal government can walk away from its responsibilities. Next Wednesday at noon the Commerce Committee will look into universal service as it relates to schools and libraries. You here will be able to sit in on that hearing and ask questions via the internet as it will be made available here in the Capitol at the Old Supreme Court Chambers. In May, the FCC will issue its final rule regarding universal service. They must follow the intent of the lawmakers.

The possible deregulation of electric utilities is to this Congress what telco reform was in the last Congress. This effort would intend to give consumers a choice in where they get their electricity, and it stands to affect more than \$200 billion of our economy.

It is still uncertain if and when to deregulate. I favor a go-slow approach. After all, it took us seven years from the idea of telecommunications deregulation until we actually finished the job. It's my hope that we can spend the first year of this Congress educating ourselves and the public. Consumers and businesses need to be aware of what's in store for them, and they need to be comfortable with that.

On the immediate horizon, I understand the Montana House will be considering juvenile justice issues next week. This is another area where I believe the federal government can give states a helping hand without using that hand to shove them around. I'm a cosponsor of the Violent Juvenile Offenders Act. In fact, this issue is so important that we put it on our top-ten "must do" list of priorities for this 105th Congress. The bill is only a start but we must begin the process.

What we're going to try to do is help states target youth gangs and other violent offenders. Over a 10-year period beginning in 1985, the homicide rate among juveniles increased 172 percent, and youth crime in general is growing at an alarming rate. We have also heard stories from around the country of sheriffs who try to get information on youths who come into their counties to set up drug operations, only to find that those records are sealed.

Once the term "juvenile crime" implied not much more than truancy and trouble-making. Today it means murder, rape, robbery and drugs — yet our criminal justice system has not kept up with these changes. It is time to give states the power to cope with these threats to human safety. This bill would create new federal penalties for offenses committed by gangs. It would also encourage states to try new responses to crime by getting rid of federal mandates that have stifled innovative efforts at the state level. We want to provide funding for fingerprinting, DNA testing and record-sharing on juvenile offenders.

But more than punishment, we want to prevent kids from choosing a life of crime in the first place. The bill provides \$100 million to help fund the construction of 2000 Boys and Girls Clubs by the year 2000. And I'm announcing to you today that I intend to amend the bill to include programs for our younger children. If we can reach a child through early intervention programs to help her feel wanted and needed, I believe we will be ahead of the game. I also want to ensure a strong partnership between federal, state and local communities — along with teachers, social workers, psychologists, law enforcement agents, the courts and probation officers. This is vital not

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only for the future of Montana, but also for the nation. After all, the children are our future.

Of course, the courts are a key component to this. As you know, one of the problems Montana has had to endure is justice at the hands of the Ninth Circuit Court of Appeals. The Montana State Legislature has overwhelmingly supported the idea of splitting this circuit, and I agree with you. It is too big, it is too slow, and it is simply not working for the people of Montana.

We are guaranteed the right to equal justice in the Constitution, but we are not getting it in the Ninth Circuit. An average case in a U.S. court of appeals takes about 10 months for completion. The Ninth Circuit takes between 14 and 16 months, and more for serious crimes. The population and land mass of the Ninth Circuit make it twice as big as the next biggest circuit. Its caseload is by far the largest, and its growth threatens to overwhelm it. While I have been a steadfast supporter of breaking the circuit into more easily managed pieces, and even though at least one unbiased study argues for a split, I think some of my colleagues need a little more convincing. That's why this year I am sponsoring a bill to set up a commission to study the issue and recommend changes, and Congressman Hill is doing the same on the House side.

That legislation would ensure that the commission will issue its report by June 30th next year so that court-splitting legislation still may be passed by this Congress. Chairman Hatch has assured me of quick action on this bill. That being said, I am announcing to you here that I am also sponsoring a bill, along with Senator Murkowski from Alaska, that would split the Ninth Circuit outright. You can think of this second bill as an insurance policy.

Of course, there's a whole host of other ways the federal presence in Montana touches all of our lives. But nowadays, it's more difficult than ever to break down issues by county, state or federal. Often our problems become everybody's problems. Because of these new challenges, I am proposing to you and to the Senate an Intergovernmental Working Group.

I believe it is important for all of Montana's elected officials to work together for the people of this state, whether it be here in Helena or back in Washington. I would like to see this relationship formalized so that there can be some coordination among those of us who make the laws in these two cities, and the governor's office, which is charged with carrying out those laws. Too many times the left hand doesn't know what the right hand is doing. In my view, it is less a matter of individual egos and political differences than of a lack of communication.

Through our informal contacts up until now, we've had a lot to talk about lately. The Park Service remains a vital presence in Montana. Actions in the parks affect tourism and areas around the parks. We saw this vividly during the government shutdowns, which by the way would never happen again under legislation we're working on right now. The state is put in the uncomfortable position of trying to solve a bison problem that has clearly been created by the hands-off policy of the Interior Department. I just sat down with Superintendent Finley, and I think there are more areas of agreement than disagreement. I think we believe there are some infrastructure issues to resolve in the park, and that we can do a better job of communicating and coordinating with communities around the park on decisions that affect them.

The same is true with Glacier National Park. I have had discussions with Superintendent Mihalic at which we talked about the importance of getting some public input before proceeding on the Glacier Management Plan.

One concern a lot of you have raised with me is the proposed law enforcement rules in the Bureau of Land Management. I have asked that these rules be pulled and that the BLM hold public hearings if they want to try again. There were just far too many questions raised by these rules, and they made too many people uneasy. We already have federal law enforcement officers, not to mention our state officers, so why give arresting powers to a land management agency?

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There are also too many questions about the new Conservation Reserve Program. Our ag producers, who make up Montana's number one industry, would not find out if their acres were eligible for CRP until the middle of the summer. You only need to look at a calendar to know that's too late to plant spring crops, so we have asked for a one-year extension of the current program.

We're also trying to reform our tax code to make it easier on farmers and ranchers and many other Montanans. I am sponsoring a bill to eliminate the estate tax, or inheritance tax, which is so high that in many cases it means families have to sell the farm to save the farm. We're also debating how much to cut the capital gains tax, which would lead to more investment and growth for Montana's economy. I personally believe the capital gains tax should be eliminated. I can't think of any two taxes that are more backward or hold down economic growth more.

PILT — The president wants to cut Payments in Lieu of Taxes by \$12 million in his budget, but that's no good for Montana. Local governments rely on these funds, which are the same as any other property owner who pays taxes. At the same time, there are a lot of politically motivated projects in the budget for California and Florida. We'll be working on the Appropriations Committee to make sure that states with a lot of federal land like Montana are not taken for granted in this way.

Defense and veterans — A lot of people have put in a lot of hours to make sure Malmstrom Air Force Base would still be around this year. I'm going to continue to search for a flying mission there, but now that its future is more certain, we're getting around to some much-needed infrastructure improvements like new housing for regular enlisted men and women. The same is true with the National Guard. And for the first time, we're going to see a unique joint mission between the Guard and the Air Force when the RED HORSE engineering units are deployed.

I know our veterans remain concerned about VA's restructuring plan coming out of Washington and how it will affect the care they receive at Miles City and Fort Harrison. I'm cautiously optimistic that the creation of partnerships with community providers can ensure quality local care for veterans. This is a critical time, but it's also an opportunity to ensure community-based care when possible, and I think veterans appreciate that. Still, the president's budget cuts funds for VA medical care, and this troubles me. I hope to address this as a member of the subcommittee that funds the VA.

Transportation issues are always one of the greatest concerns I hear when I talk with people. Every year it seems Essential Air Service winds up on the chopping block, and every year we manage to throw a few dollars its way. But this year, we have seen an unprecedented commitment to EAS, which has now been authorized at \$50 million, or about twice as much as last year. And it looks like we've found a funding mechanism to help lock this program in place. For now, we will use fees paid by international airlines that fly over the United States to pay for EAS.

Of course, ISTEA, or the highway bill, has a lot of us nervous in Montana. We're a state that pays less in taxes than we receive from the Highway Trust Fund because of our big, long stretches of road and our smaller population. There are some proposals back in Washington that would change the funding formula so much that it would probably be hard to drive from here to Jefferson County without losing your vehicle in a pothole. The congressional delegation will be working hard to see that this doesn't happen.

There are a couple of public land issues that have surfaced in Montana for which there are no easy answers to those of us who make policy. We're interested in seeing a Montana solution to the buyout of the New World Mine, but the task is proving difficult.

The situation is the same with the wilderness debate, which I'm sure most Montanans simply want to put behind us. I will be interested to see what if any proposal the Montana Consensus Council is able to come up with. However, any solution to both of these problems will have to make a detour through Washington before it becomes

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final. Unfortunately, at that point, anything is possible. While we might be able to agree on an approach here in Montana, the special interests and lobbyists back in Washington may have other ideas. It happened with the Utah wilderness debate; let's hope it doesn't happen here.

As you can see from that laundry list, there are still a multitude of ways the federal government serves a useful purpose in Montana. Government should not be a dirty word as long as we are mindful of its proper place in our lives. You will continue to watch what we do in the halls of Congress. But your actions here in Helena and at the local level will always have an impact at the federal level.

We should always remember that we are all Montanans, but we are also all Americans, and we do our best work when we do it together.

Mr. Speaker, thank you for allowing me a few moments with you here today, and I wish all of you the best of luck over the remaining weeks of this session.

Representatives Cocchiarella and Grinde escorted Senator Burns from the House Chambers.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 7:45 a.m., Saturday, March 8, 1997. Motion carried.

House adjourned at 3:20 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL
FIFTY-FIRST LEGISLATIVE DAY**

Helena, Montana
March 8, 1997

House Chambers
State Capitol

House convened at 7:45 a.m. Mr. Speaker in the Chair. Invocation by Representative Brainard. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives Ellis, Feland, Gillan, Kottel, Prouse, Smith, Taylor, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman):

3/8/97

Correctly printed for second reading: SB 54, SB 124, SB 132, SB 212.

Correctly enrolled: HB 22, HJR 3.

JUDICIARY (Clark, Chairman):

3/7/97

SB 46, be amended as follows:

1. Page 3, line 16.

Page 7, line 11.

Following: "DISCRETION"

Insert: "and with the concurrence of a parent or guardian"

2. Page 3, line 18.

Page 7, line 13.

Following: "CONFISCATED."

Insert: "The confiscation may not be used by an insurer as a factor in determining the premium or part of a premium to be paid for motor vehicle insurance covering the youth or a vehicle or vehicles driven by the youth, nor may it be used as grounds for denying coverage for an accident or other occurrence under an existing policy."

And, as amended, be concurred in. Report adopted.

SB 92, be concurred in. Report adopted.

SB 197, be concurred in. Report adopted.

STATE ADMINISTRATION (Denny, Chairman):

3/7/97

HB 112, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "A BIENNIAL"

Insert: "AN AD HOC"

2. Title, line 6.

Strike: "REVISING" through ";;"

3. Title, line 7.

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Strike: "SECTIONS 19-20-711, 19-20-712, AND"
Insert: "SECTION"

4. Title, line 8.
Following: "DATE"
Insert: "AND A TERMINATION DATE"

5. Page 1, line 12.
Strike: "biennial"
Insert: "ad hoc"

6. Page 1, line 13.
Strike: "monthly"
Insert: "\$2 million"

7. Page 1, lines 13 and 14.
Following: "fund" on line 13
Strike: the remainder of line 13 through "month" on line 14
Insert: "on January 1, 1998"

8. Page 1, line 16.
Strike: "in each odd-numbered year"

9. Page 1, line 17.
Following: "."
Insert: "An adjustment made under this section is not subject to 19-20-712."

10. Page 1.
Following: line 17
Insert: "(3) A benefit recipient is eligible to receive an ad hoc adjustment payable with the recipient's January 1998 benefit if the recipient is at least 60 years of age and the retired member has been or was retired for at least 10 years."

11. Page 1, line 19 through page 2, line 21.
Strike: sections 2 and 3 in their entirety
Renumber: subsequent sections

12. Page 2, lines 25 and 26.
Strike: "in" on line 25 through "available" on line 26
Following: "19-20-711"
Insert: "and [section 1]"

13. Page 3.
Following: line 18
Insert: "NEW SECTION. Section 5. Termination. [This act] terminates July 1, 1998."

And, as amended, do pass. Report adopted.

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HB 170, introduced bill, be amended as follows:

1. Title, line 7.

Following: ";;"

Insert: "DEFINING "ACTUARIALLY SOUND BASIS";"

2. Page 5.

Following: line 11

Insert: "NEW SECTION. Section 5. Systems to be funded on actuarially sound basis -- definition. As required by Article VIII, section 15, of the Montana constitution, each system must be funded on an actuarially sound basis. For purposes of this section, "actuarially sound basis" means that contributions to each system must be sufficient to pay the full actuarial cost of the system. The full actuarial cost includes both the normal cost of providing benefits as they accrue in the future and the cost of amortizing unfunded liabilities over a scheduled period of no more than 30 years."

Renumber: subsequent sections

3. Page 26.

Following: line 28

Insert: "(5) [Section 5] is intended to be codified as an integral part of Title 19, chapter 2, and the provisions of Title 19, chapter 2, apply to [section 5]."

And, as amended, do pass. Report adopted.

SB 220, be concurred in. Report adopted.

STATE/FEDERAL RELATIONS (Curtiss, Chairman):

3/7/97

SB 153, be concurred in. Report adopted.

TAXATION (Hibbard, Chairman):

3/7/97

HB 591, introduced bill, be amended as follows:

1. Page 2, line 18.

Page 3, line 9.

Page 3, line 14.

Page 3, line 18.

Page 4, line 10.

Page 4, line 18.

Strike: "assessed" or "assessed"

Insert: "billed" or "billed"

2. Page 2, line 18.

Strike: "the product of 0.9 times the property"

3. Page 2, line 19.

Following: "assessments,"

Insert: "and fees"

And, as amended, do pass. Report adopted.

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MESSAGES FROM THE SENATE

House bills concurred in and returned to the House:

3/7/97

HB 18, introduced by J. Johnson
HB 105, introduced by Barnett
HB 107, introduced by Kasten
HB 108, introduced by Swanson
HB 162, introduced by Denny
HB 200, introduced by Ahner
HB 206, introduced by McCann
HB 215, introduced by Orr
HB 239, introduced by Tropila
HB 288, introduced by Ohs
HB 289, introduced by Pavlovich
HB 321, introduced by McCulloch
HB 358, introduced by Keenan
HB 392, introduced by Bitney

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 3/7/97

HB 89, introduced by Kottel
HB 104, introduced by Hagener
HB 117, introduced by Pavlovich
HB 184, introduced by Peck

**FIRST READING AND COMMITMENT
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

HB 600, introduced by Bergsagel, referred to Committee on Select Corrections.
HB 601, introduced by Harrington, Harper, Pavlovich, Menahan, Bowman Shea, Ohs, Quilici, Squires, Kottel, Lynch, referred to Committee on Taxation.
HB 602, introduced by Gillan, referred to Committee on Appropriations.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Story in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 561 - Representative Kasten moved HB 561 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski,

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Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 95

Noes: Adams, Jore, Keenan, Orr.
Total 4

Voted Absentee: Ellis, Feland, Gillan, Kottel, Prouse, Smith, Taylor, Ayes.

Excused: None.
Total 0

Absent or not voting: Wagner.
Total 1

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Story moved that the Committee of the Whole report be adopted. Report adopted. (86-1)

MOTIONS

Representative Pease moved the rules be suspended to allow a House Joint Resolution be introduced congratulating the State A Champion Hardin Bulldogs. Motion carried.

HB 49 - Representative Grinde moved the primary sponsor of HB 49 be changed from Representative Cobb to Representative Ellis. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Monday, March 10, 1997. Motion carried.

House adjourned at 8:02 a.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL
FIFTY-SECOND LEGISLATIVE DAY**

Helena, Montana
March 10, 1997

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Barnett. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. Speaker introduced this week's pages:

Garth Clingingsmith, Glendive
Michael Cocchiarella, Missoula
Meagan Flynn, Townsend
Jessica Hartman, Billings
Lindy Hinebauch, Billings
Elizabeth Leibschutz, Polson
Katie Pribyl, Great Falls
Jill Schuppe, Billings
Christina Trieweler, Whitefish

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the forty-eighth and forty-ninth legislative days, find the same to be correct.

Hayne, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 3/10/97
Correctly printed for second reading: HB 566, HB 112, HB 170, HB 591, SB 15, SB 16, SB 32, SB 33, SB 49, SB 92, SB 104, SB 153, SB 197, SB 220, SB 46.
Correctly engrossed for third reading: HB 536, HB 561.
Examined by the sponsor and found to be correct: HB 66, HB 165, HB 22, HJR 3.
Signed by the Speaker at 6:25 p.m., March 9, 1997: HB 12, HB 23, HB 71, HB 92, HB 97, HB 115, HB 143, HB 148, HB 182, HB 274.
Signed by the Speaker at 10:17 a.m., March 10, 1997: HB 165.
Delivered to the Governor for his approval at 2:30 p.m., March 10, 1997: HB 56, HB 70, HB 82.

EDUCATION (Ellis, Chairman): 3/10/97
SB 235, be concurred in. Report adopted.
SB 244, be concurred in. Report adopted.
SB 264, be concurred in. Report adopted.

HUMAN SERVICES (Grimes, Chairman): 3/10/97
SB 68, be amended as follows:

1. Page 3, lines 29 and 30.

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Strike: ", with headquarters in ~~Traverse City, Michigan~~ Northfield, Illinois,"

2. Page 4, line 3.

Page 9, line 26.

Strike: "with headquarters in Tucson, Arizona,"

3. Page 6, line 1.

Strike: "with headquarters in ~~Chicago~~ Oakbrook Terrace, Illinois,"

And, as amended, be concurred in. Report adopted.

SB 69, be amended as follows:

1. Page 3, line 26.

Strike: "or desirable"

And, as amended, be concurred in. Report adopted.

SB 94, be concurred in. Report adopted.

SB 114, be amended as follows:

1. Page 5, line 20.

Following: "sale"

Insert: ", unless the sale proceeds are or will be used to purchase a home within 18 months or are used for primary residence living expenses"

And, as amended, be concurred in. Report adopted.

SB 298, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

House bills concurred in and returned to the House:

3/8/97

HB 11, introduced by Zook

HB 8, introduced by Bergsagel

HB 290, introduced by Harper

HB 292, introduced by Grady

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 3/8/97

HB 131, introduced by Simon

HB 6, introduced by Bergsagel

HB 93, introduced by Hagener

HB 271, introduced by Harper

HB 360, introduced by Menahan

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FIFTY-SECOND LEGISLATIVE DAY - MARCH 10, 1997

Senate bill passed and transmitted to the House for concurrence:

3/8/97

SB 336, introduced by Halligan

**FIRST READING AND COMMITMENT
OF BILLS AND RESOLUTIONS**

The following House bill was introduced, read first time, and referred to committee:

HB 603, introduced by Jore, referred to Committee on Taxation.

The following Senate bill was introduced, read first time, and referred to committee:

SB 336, introduced by Halligan, Rose, Harper, Beaudry, Jenkins, Stang, Van Valkenburg, Foster, Denny, Rehbein, referred to Committee on Taxation.

HB 122, rereferred to Committee on Judiciary for consideration of Senate amendments.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Walters in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 63 - Representative Harrington moved HB 63 do pass. Motion carried as follows:

Ayes: Ahner, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bohlinger, Bookout, Carey, Cocchiarella, Denny, Dowell, Ellingson, Ellis, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simpkins, Simpson, Smith, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 73

Noes: Adams, Anderson, Arnott, Bitney, Boharski, Clark, Cobb, Curtiss, DeBruycker, Devaney, Ewer, Grinde, Jore, Kasten, Keenan, Masolo, McGee, Molnar, Orr, Rehbein, Simon, Sliter, Soft, Vick, Wagner.

Total 25

Excused: None.

Total 0

Absent or not voting: Brainard, Prouse.

Total 2

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HB 566 - Representative Menahan moved HB 566 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 99

Noes: Orr.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 86 - Representative Anderson moved SB 86 be concurred in.

Representative Tropila moved SB 86, second reading copy, be amended (amendment #1). Motion failed as follows: (49-51)

Motion to concur in SB 86 carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 97

Noes: McGee, Rehbein, Tuss.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 7 - Representative Ellis moved SB 7 be concurred in. Motion carried as follows:

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Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 98

Noes: DeBruycker.
Total 1

Excused: None.
Total 0

Absent or not voting: Grinde.
Total 1

SB 26 - Representative M. Hanson moved SB 26 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 100

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 119 - Representative Story moved SB 119 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt,

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Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Adams, Boharski, Jore, McGee, Vick.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 125 - Representative Simpkins moved SB 125 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 82

Noes: Adams, Arnott, Bergsagel, Boharski, Cobb, Grinde, Heavy Runner, J. Johnson, Jore, Krenzler, Lawson, Pease, Peck, Rehbein, Schmidt, Tuss.

Total 16

Excused: None.

Total 0

Absent or not voting: Molnar, Swanson.

Total 2

HB 555 - Representative Simpkins moved HB 555 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: Adams, Arnott, Barnhart, Boharski, Brainard, Cobb, Curtiss, Feland, Jore, Orr, Wagner, Wells.

Total 12

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Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 62 - Representative Pavlovich moved SB 62 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 96

Noes: Adams, Brainard, Jore, Vick.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 192 - Representative Sliter moved SB 192 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 98

Noes: Brainard, Denny.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Walters moved that the Committee of the Whole report be adopted. Report adopted. (90-3)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 434 passed as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Denny, Devaney, Ellingson, Ellis, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Molnar, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Whitehead, Wiseman, Wyatt, Zook.

Total 78

Noes: Adams, Arnott, Bankhead, Bergsagel, Brainard, Cocchiarella, Curtiss, DeBruycker, Dowell, Ewer, Feland, Hurdle, Jore, Kasten, McCann, Mood, Orr, Prouse, Rehbein, Tuss, Wells, Mr. Speaker.

Total 22

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 536 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, Holland, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Marshall, Masolo, McCann, McCulloch, Menahan, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Tash, Taylor, Trexler, Tropila, Vick, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 79

Noes: Adams, Bankhead, Brainard, Cobb, DeBruycker, Ewer, Hayne, Heavy Runner, Hurdle, Jore, Kasten, Lawson, McGee, Orr, Prouse, Rehbein, Swanson, Tuss, Wagner, Wells.

Total 20

Excused: None.

Total 0

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Absent or not voting: Mills.
Total 1

HB 561 passed as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 93

Noes: Adams, Arnott, Curtiss, Jore, Keenan, Mills, Orr.
Total 7

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 129 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 98

Noes: Ewer, Harper.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

HB 600 - Representative Grinde moved HB 600 be taken from the Committee on Select Corrections and rereferred

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to the Committee on Appropriations. Motion carried.

HB 434 - Representative Ream moved he be allowed to change his vote on HB 434, third reading, from nay to aye. Motion carried.

HB 536 - Representative Heavy Runner moved he be allowed to change his vote on HB 536, third reading, from aye to nay. Motion carried.

HB 434 - Representative Sands moved she be allowed to change her vote on HB 434, third reading, from nay to aye. Motion carried.

HB 434 - Representative Tuss moved she be allowed to change her vote on HB 434, third reading, from aye to nay. Motion carried.

SPECIAL ORDERS OF THE DAY

The following sponsors were added to HB 170: Senator Bowman Shea, Representative Tropila, Senator Lynch, Senator Van Valkenburg, Senator Beck, Senator Halligan, Senator Waterman, Senator Hertel, Senator Bartlett, Representative Schmidt, Senator Hargrove, Senator Christiaens, Representative Grady, Representative Cocchiarella, Representative Squires, Representative Hagener, Representative Hibbard, Representative Simpkins, Representative Smith, Representative Bookout-Reinicke, Representative Kitzenberg, Representative Ellingson, Representative Bergman, Representative Grimes, Representative Lawson, Representative Kottel, Representative McCulloch, Representative Menahan, Representative Quilici.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Tuesday, March 11, 1997. Motion carried.

House adjourned at 2:02 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

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FIFTY-THIRD LEGISLATIVE DAY**

Helena, Montana
March 11, 1997

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Bookout-Reinicke. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman):

3/11/97

Correctly printed for second reading: SB 309, SB 303, SB 298, SB 264, SB 244, SB 240, SB 235, SB 222, SB 145, SB 141, SB 138, SB 106, SB 94, SB 66, SB 41, SB 6, SB 68, SB 69, SB 114, HB 2.

Correctly engrossed for third reading: SB 192, SB 125, SB 119, SB 86, SB 62, SB 26, SB 7, HB 566, HB 555, HB 63.

Correctly enrolled: HB 8, HB 11, HB 18, HB 105, HB 107, HB 108, HB 162, HB 200, HB 206, HB 215, HB 239, HB 288, HB 289, HB 290, HB 292, HB 321, HB 358, HB 392.

Examined by the sponsor and found to be correct: HB 8, HB 11, HB 18, HB 105, HB 107, HB 162, HB 200, HB 206, HB 215, HB 239, HB 288, HB 289, HB 290, HB 292, HB 321, HB 358.

Signed by the Speaker at 3:38 p.m., March 10, 1997: HB 66.

Signed by the Speaker at 3:39 p.m., March 10, 1997: HB 22.

Delivered to the Governor for his approval at 3:30 p.m., March 11, 1997: HB 12, HB 23, HB 71, HB 165, HB 274, HB 182, HB 148, HB 143, HB 115, HB 97, HB 92.

APPROPRIATIONS (Zook, Chairman):

3/11/97

HB 2, introduced bill, be amended as follows:

Strike everything after the enacting clause and insert:

NEW SECTION. Section A. Short title. [This act] may be cited as "The General Appropriations Act of 1997".

NEW SECTION. Section B. First level expenditures. The agency and program appropriation tables in the legislative fiscal analyst narrative accompanying this bill, showing first level expenditures and funding for the 1999 biennium, are adopted as legislative intent.

NEW SECTION. Section C. Severability. If any section, subsection, sentence, clause, or phrase of [this act] is for any reason held unconstitutional, the decision does not affect the validity of the remaining portions of [this act].

NEW SECTION. Section D. Legislative audit costs. Agencies shall reserve enough cash in each fund type to pay the costs of the legislative audit and shall, to the maximum extent allowable under federal regulations, charge audit costs to federal funds.

NEW SECTION. Section E. Appropriation control. An appropriation item designated as "Biennial" may be spent in either year of the biennium. An appropriation item designated "Restricted" may be used during the biennium only for the purpose designated by its title and as presented to the legislature. An appropriation item designated "One Time Only" or "OTO" may not be included in the present law base

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for the 2001 biennium. The office of budget and program planning shall establish a separate appropriation on the statewide budgeting and accounting system for any item designated as "Biennial", "Restricted", "One Time Only", or "OTO". The office of budget and program planning shall establish at least one appropriation on the statewide budgeting and accounting system for any appropriation that appears as a separate line item in [this act].

NEW SECTION. Section F. Program definition. As used in [this act], "program" has the same meaning as defined in 17-7-102, is consistent with the management and accountability structure established on the statewide budgeting and accounting system, and is identified as a major subdivision of an agency ordinarily numbered with an arabic numeral.

NEW SECTION. Section G. Personal services funding -- 2001 biennium. (1) Except as provided in subsection (2), present law and new proposal funding budget requests for the 2001 biennium submitted under Title 17, chapter 7, part 1, by each executive, judicial, and legislative branch agency must include funding of first level personal services separate from funding of other expenditures. The funding of first level personal services by accounting entity for each fiscal year must be shown for each control variable in the budget request for the 2001 biennium submitted by October 30 to the legislative fiscal analyst by the office of budget and program planning.

(2) The provisions of subsection (1) do not apply to the Montana university system.

NEW SECTION. Section H. Consumer price index changes. If the federal government reformulates the consumer price index, each state agency that uses the consumer price index as an integral part of any contract, grant, benefit, rate, reimbursement, payment, or negotiation shall use the reformulated index unless otherwise prohibited by law.

NEW SECTION. Section I. Totals not appropriations. The totals shown in [this act] are for informational purposes only and are not appropriations.

NEW SECTION. Section J. Effective date. [This act] is effective July 1, 1997.

NEW SECTION. Section K. Appropriations. The following money is appropriated for the respective fiscal years:

														Fiscal 1998				Fiscal 1999			
				State Special Revenue	Federal Special Revenue	Propri- etary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Propri- etary	Other	Total							
LEGISLATIVE BRANCH (1104)																					
A. GENERAL GOVERNMENT AND TRANSPORTATION																					
1. Legislative Services (20)																					
	2,853,734	973,770	0	0	0	0	0	3,827,504	3,388,661	437,240	0	0	0	3,825,901							
2. Legislative Committees and Activities (21) (Biennial)																					
	171,285	13,306	0	0	0	0	0	184,591	171,277	13,318	0	0	0	184,595							
3. Fiscal Analysis and Review (27)																					
	850,023	0	0	0	0	0	0	850,023	878,611	0	0	0	0	878,611							
a. Legislative Requests (Biennial)																					
	5,000	0	0	0	0	0	0	5,000	0	0	0	0	0	0							
4. Audit and Examination (28)																					
	1,513,017	1,239,758	0	0	0	0	0	2,752,775	1,548,692	1,196,484	0	0	0	2,745,176							
Total																					
	5,393,059	2,226,834	0	0	0	0	0	7,619,893	5,987,241	1,647,042	0	0	0	7,634,283							
It is the intent of the legislature that money appropriated in House Bill No. 1 for the operation of the 55th legislature and unexpended as a consequence of an early adjournment of the regular session of the 55th legislature be transferred at the discretion of the respective approving authorities to the legislative committees and activities program (21) for additional support of activities authorized under Title 5, chapter 11, parts 3 and 7, with priority to participation in the Pacific Northwest economic region.																					
CONSUMER COUNSEL (1112)																					
1. Administration Program (01)																					
	0	1,012,977	0	0	0	0	0	1,012,977	0	1,028,992	0	0	0	1,028,992							
Total																					
	0	1,012,977	0	0	0	0	0	1,012,977	0	1,028,992	0	0	0	1,028,992							

Fiscal 1998												Fiscal 1999			
General Fund		State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total			
JUDICIARY (2110)															
1. Supreme Court Operations (01)															
2,362,634	994,608	0	0	0	0	3,357,242	2,323,585	994,565	0	0	0	3,318,150			
a. Legislative Audit (Restricted/Biennial)															
25,390	0	0	0	0	0	25,390	0	0	0	0	0	0			
b. Federal Court Assessment Study (Restricted/OTO)															
36,250	0	108,725	0	0	0	144,975	36,250	0	108,725	0	0	144,975			
2. Boards and Commissions (02)															
245,721	30,000	0	0	0	0	275,721	244,210	30,000	0	0	0	274,210			
a. Judicial Standards Commission (Restricted)															
25,000	0	0	0	0	0	25,000	25,000	0	0	0	0	25,000			
3. Law Library (03)															
621,547	0	0	0	0	0	621,547	625,767	0	0	0	0	625,767			
4. District Court Operations (04)															
3,265,272	0	0	0	0	0	3,265,272	3,264,745	0	0	0	0	3,264,745			
5. Water Courts Supervision (05)															
0	570,704	0	0	0	0	570,704	0	569,786	0	0	0	569,786			
6. Clerk of Court (06)															
226,759	0	0	0	0	0	226,759	224,398	0	0	0	0	224,398			
Total															
6,808,573	1,595,312	108,725	0	0	0	8,512,610	6,743,955	1,594,351	108,725	0	0	8,447,031			

The law library should develop a procedure for collecting fees for electronic access services offered by the library.

The supreme court shall certify to the legislative fiscal division by July 1, 1997, that all district courts in Montana are in compliance with 45-9-208 and 45-10-108.

		Fiscal 1998				Fiscal 1999							
		General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
MONTANA CHIROPRACTIC LEGAL PANEL (2115)													
1.	Legal Panel Operations (01)	0	14,000	0	0	0	14,000	0	14,000	0	0	0	14,000
Total													
GOVERNOR'S OFFICE (3101)													
1.	Executive Office Program (01)	1,104,541	244,966	0	0	0	1,349,507	1,103,240	246,618	0	0	0	1,349,858
	a. Legislative Audit (Restricted/Biennial)	24,702	0	0	0	0	24,702	0	0	0	0	0	0
2.	Mansion Maintenance Program (02)	78,170	0	0	0	0	78,170	78,099	0	0	0	0	78,099
3.	Air Transportation Program (03)	126,488	16,000	0	0	0	142,488	128,286	17,000	0	0	0	145,286
4.	Office of Budget and Program Planning (04)	983,974	0	0	0	0	983,974	956,218	0	0	0	0	956,218
	a. Legislative Audit (Restricted/Biennial)	14,632	0	0	0	0	14,632	0	0	0	0	0	0
	b. Student Intern or Temporary Help (Restricted)	14,000	0	0	0	0	14,000	14,000	0	0	0	0	14,000
	c. Wharton Econometric Forecasting Associates (Restricted)	22,415	0	0	0	0	22,415	22,415	0	0	0	0	22,415
5.	Indian Affairs (05)	102,693	0	0	0	0	102,693	108,907	0	0	0	0	108,907

	Fiscal 1998				Fiscal 1999			
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	General Fund	State Special Revenue	Federal Special Revenue	Proprietary
6. Lieutenant Governor (12)								
	187,607	0	0	0	187,607	189,443	0	0
7. Citizens' Advocate Office (16)								
	57,415	0	15,000	0	72,415	57,416	0	15,000
8. Mental Disabilities Board of Visitors (20)								
	159,305	16,070	0	0	175,375	177,064	16,069	0
Total	2,875,942	277,036	15,000	0	3,167,978	2,835,088	279,687	15,000

The appropriation provided for the citizens' advocate office is contingent upon funds being used to achieve program performance targets as outlined by the legislature in the general appropriations act for the 1999 biennium. The agency shall provide semiannual reports to the office of budget and program planning and the legislative fiscal division on progress toward achievement of these performance targets, with explanations for any significant variances.

The citizens' advocate office will achieve the following goal by meeting the specified performance targets:

Goal:

The goal of the citizens' advocate office is to provide accessibility to state government for Montana citizens. A toll-free number is provided to the public for this purpose.

Performance Measures:

- (1) The office staff answer incoming phone calls, the volume of which is beyond the control of the office. However, by maintaining efficiency in answering the toll-free calls, the office will continue to answer at least 25,000 phone calls per year.
- (2) Through increased efficiency, the citizens' advocate office staff will decrease the number of busy signals received by incoming callers, which is currently at about 35%. The performance target is to reduce the number of busy signals received to 25%.

SECRETARY OF STATE (3201)

The rates approved for the office of the secretary of state are contingent upon resultant revenue being used to achieve program targets and performance measures as outlined by the legislature in the general appropriations act for the 1999 biennium. The department shall provide semiannual reports to the office of budget and program planning and the legislative fiscal division on progress toward achievement of these targets and performance measures, with explanations

Fiscal 1998				Fiscal 1999			
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	General Fund	State Special Revenue	Federal Special Revenue	Proprietary
Total				Total			
Other				Other			
Total				Total			

of any significant variances.

The office of the secretary of state shall achieve the following goals by meeting the specified targets and performance measures:

Goals: Increase voter registration and provide open access to the election process.

Target

Maintain the percentage of eligible but nonregistered Montanans

Performance Measure

Have 87.5% of the eligible population registered to vote. (The eligible population will be measured after each presidential election. The performance measure is subject to revision if the legislature brings the state of Montana into compliance with the current National Voter Registration Act of 1993 and amends the current purge procedure.)

Train election administrators

Have representatives from 50 of the 56 counties attend the biennial workshop

Establish a mechanism to monitor voter registration duplication at the state level

Have a plan set by January 1, 1998

Have copies of the legislation passed by the 1997 legislature and signed by the governor available for the public and state agencies

Have 70% of signed legislation available in either electronic or hard copy within 3 days of receipt by the secretary of state

Have at least the basic information (name, office, and party) from all state,

Have the information on the internet within three days of filing

		Fiscal 1998				Fiscal 1999					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
district, and legislative candidates available for the public											
Have options for increases voter turnout, including alternatives to polling place voting, such as vote-by-mail and vote-by-telephone. Also make use of the opportunities presented by the internet for increasing voter turnout											
COMMISSIONER OF POLITICAL PRACTICES (3202)											
1. Administration (01)											
270,856	0	0	0	0	270,856	275,405	0	0	0	0	275,405
a. Legislative Audit (Restricted/Biennial)											
5,164	0	0	0	0	5,164	0	0	0	0	0	0
Total											
276,020	0	0	0	0	276,020	275,405	0	0	0	0	275,405
OFFICE OF THE STATE AUDITOR (3401)											
1. Central Management (01)											
370,347	25,876	0	0	0	396,223	359,204	25,940	0	0	0	385,144
a. Legislative Audit (Restricted/Biennial)											
3,615	0	0	0	0	3,615	0	0	0	0	0	0
2. Insurance Program (03)											
1,503,074	474,412	2,500	0	0	1,979,986	1,476,072	474,380	2,500	0	0	1,952,952
a. Legislative Audit (Restricted/Biennial)											

	Fiscal 1998						Fiscal 1999					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
3. Securities (04)	15,905	0	0	0	0	15,905	0	0	0	0	0	0
382,272	74,977	0	0	0	0	457,249	390,067	77,976	0	0	0	468,043
a. Legislative Audit (Restricted/Biennial)	4,579	0	0	0	0	4,579	0	0	0	0	0	0
<hr/>												
Total	2,279,792	575,265	2,500	0	0	2,857,557	2,225,343	578,296	2,500	0	0	2,806,139
The department is appropriated amounts up to \$110,000 in fiscal year 1998 and \$105,000 in fiscal year 1999 from the insurance fee account in the state special revenue fund for contract examinations.												
The department is appropriated amounts up to \$10,000 in fiscal year 1998 and \$10,000 in fiscal year 1999 from the securities fee account in the state special revenue fund for contract examinations.												
DEPARTMENT OF TRANSPORTATION (5401)												
1. General Operations Program (01)	0	12,006,824	409,480	0	0	12,416,304	0	12,079,357	408,191	0	0	12,487,548
a. Legislative Audit (Restricted/Biennial)	0	104,574	0	0	0	104,574	0	0	0	0	0	0
b. Revenue Sharing -- Lockheed (Restricted/Biennial)	0	1,400,000	0	0	0	1,400,000	0	0	0	0	0	0
c. Highway Maps (Biennial)	0	145,510	0	0	0	145,510	0	15,510	0	0	0	15,510
2. Construction Program (02) (Biennial)	0	78,646,714	177,275,710	0	0	255,922,424	0	80,958,609	158,350,379	0	0	239,308,988
3. Maintenance Program (03) (Biennial)	0	66,293,786	0	0	0	66,293,786	0	65,769,274	0	0	0	65,769,274

	Fiscal 1998				Fiscal 1999			
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	General Fund	State Special Revenue	Federal Special Revenue	Proprietary
				Other	Total			Other
a. Weed Control (Restricted/Biennial)								
	0	802,000	0	0	802,000	0	802,000	0
b. Environmental Requirements (Biennial)								
	0	250,000	0	0	250,000	0	250,000	0
c. Communications Equipment (Biennial)								
	0	19,435	0	0	19,435	0	7,437	0
4. Motor Carrier Services Division (22)								
	0	4,632,985	0	0	4,632,985	0	4,644,219	0
5. Aeronautics Program (40)								
	0	955,271	75,000	0	1,030,271	0	75,000	0
6. Transportation Planning Division (50)								
	250,000	1,000,935	5,433,921	0	6,684,856	250,000	5,009,635	0
a. McCarty Farms (Restricted/Biennial/OTO)								
	0	200,000	0	0	200,000	0	0	0
b. Agriculture/Transportation Consultant (Restricted/Biennial)								
	0	50,000	0	0	50,000	0	0	0
c. Transplan 21 (Restricted/OTO)								
	0	46,815	187,258	0	234,073	0	187,258	0
d. Consultant Services (Restricted/OTO)								
	0	88,000	352,000	0	440,000	0	192,000	0
Total								
	250,000	166,642,850	183,733,368	0	350,626,218	250,000	166,242,376	0

250,000 166,642,850 183,733,368 0 350,626,218 250,000 166,242,376 164,222,463 0 330,714,839

The department may adjust appropriations in the construction and transportation planning programs between state special and federal special revenue fund types, provided the total state special revenue authority for these programs is not increased by more than 10% of the total appropriations established by the

Fiscal 1999

Fiscal 1999	
General Fund	State Special Revenue

Fiscal 1999	
General Fund	State Special Revenue

Fiscal 1999	
General Fund	State Special Revenue

Fiscal 1999	
General Fund	State Special Revenue

Fiscal 1999	
General Fund	State Special Revenue

Fiscal 1999	
General Fund	State Special Revenue

Fiscal 1999	
General Fund	State Special Revenue

Fiscal 1999	
General Fund	State Special Revenue

Fiscal 1999	
General Fund	State Special Revenue

Fiscal 1999	
General Fund	State Special Revenue

legislature for each program. All transfers between fund types must be fully explained and justified on budget documents submitted to the office of budget and program planning, and all fund transfers of more than \$1 million in any 30-day period must be communicated to the legislative finance committee in a written report.

The rates approved for the state motor pool are contingent upon resultant revenue being used to achieve program performance targets as outlined by the legislature in the general appropriations act for the 1999 biennium. The department shall provide semiannual reports to the office of budget and program planning and the legislative fiscal division on progress toward achievement of these performance targets with explanations for any significant variances.

Goal 1: To provide cost-efficient and reliable vehicles to state employees conducting official business.

Objective 1: To implement a test to reduce 4-door passenger vehicle costs by 25% per mile by the end of the 1999 biennium.

Performance Measure: Test vehicles that achieved a 25% cost-per-mile reduction over the standard nontest vehicles.

Objective 2: To provide a motor pool or contracted vehicle to meet the basic transportation requirements in response to all requests made a minimum of 5 working days prior to need date.

Performance Measure: Number of requests unmet due to nonavailability of a motor pool or overflow contracted vehicle that meets the user's basic transportation needs.

Requests unmet (by class)

(For each of the 4 classes)

(A) No motor pool vehicle available that meets basic transportation needs.

(B) Specific class reserved and refusal of other class.

(C) Specific class being serviced and refusal of other class.

(D) No overflow vehicle available.

(E) Refusal for medical reasons.

Objective 3: To provide and maintain out-stationed vehicles to meet the user requirements outside the Helena area.

Performance Measures:

(1) Purchased vehicles approved by OBPP and the legislature and provided to state agencies.

Vehicle Classes	FY 98	FY 99
(No. Vehicle authorized)	Purchased	Purchased

(2) Annual review of all out-stationed units to determine needs.

		Fiscal 1998					Fiscal 1999					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
2.	Operations Division (02)											
	2,539,262	110,849	0	0	0	2,650,111	2,539,941	111,186	0	0	0	2,651,127
	a. Support for Electronic Tax Filing (OTO)											
	34,970	0	0	0	0	34,970	44,703	0	0	0	0	44,703
3.	Liquor Division (05)											
	326,500	0	0	0	0	326,500	326,476	0	0	0	0	326,476
4.	Income Tax (06)											
	5,002,639	718,838	0	0	0	5,721,477	4,972,419	717,441	0	0	0	5,689,861
	a. Support for Telefile Pilot Program (OTO)											
	126,200	0	0	0	0	126,200	182,520	0	0	0	0	182,520
	b. Universal Access Fund Administration											
	0	5,000	0	0	0	5,000	0	5,000	0	0	0	5,000
5.	Corporation Tax (07)											
	1,371,370	30,565	225,826	0	0	1,627,761	1,371,582	30,591	226,821	0	0	1,628,994
6.	Property Valuation Division (08)											
	14,080,779	40,000	0	0	0	14,120,779	14,181,851	40,000	0	0	0	14,221,851
	a. Cellular Phones (Restricted)											
	10,980	0	0	0	0	10,980	10,980	0	0	0	0	10,980
	b. Geographic Information System Equipment (OTO)											
	16,560	0	0	0	0	16,560	0	0	0	0	0	0

The appropriation in item 4b for universal access fund administration is contingent on the passage and approval of Senate Bill No. 89 by the 1997 legislature.

Fiscal 1998				Fiscal 1999			
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	General Fund	State Special Revenue	Federal Special Revenue	Proprietary
			Other	Total			Other
							Total

The appropriation provided for the natural resource and corporation tax division is contingent upon funds being used to achieve program performance targets as outlined by the legislature in the general appropriations act for the 1999 biennium. The department shall provide semiannual reports to the office of budget and program planning and the legislative fiscal division on progress towards achievement of these performance targets with explanations for any significant variances.

The corporation tax division will achieve the following goals and objectives by meeting the specified performance measures:

Goal 1: To promote fair and consistent treatment of all taxpayers through uniform application of tax law.

Objective 1: Expand taxpayer surveys to include field audit, office audit, correspondence, customer service, and electronic filings by June 30, 1999.

Performance Measures:

(1) Develop quality service questionnaires by June 30, 1997.

(2) Implement the use of quality service questionnaires and compile results that will be statistically valid and will provide a basis for future changes.

Objective 2: Improve audit efficiency and create a more equitable selection process by increased use of risk assessment and apportionment data analysis.

Performance Measures:

(1) By June 30, 1998, 50% of all audits selected will be made through the improved audit selection process by using oil and natural gas purchaser information data base and statistical information for producers. Corporation tax audits will be selected through the use of apportionment data analysis available on the data base.

(2) By June 30, 1999, 80% of all audits will be selected by the use of the new selection process.

Goal 2: To make conducting business with the department as simple and pleasant as possible.

Objective 1: Perform a biennial review and make recommendations to the 1999 legislature for streamlining or simplifying, or both, natural resource and corporation tax statutes.

Performance Measures:

(1) By June 30, 1998, survey all producers to determine whether the reporting and payment of oil and natural gas production taxes by the first purchaser is the most appropriate or efficient method.

(2) By June 30, 1997, establish a working group of producers, royalty owners, county and school officials, and other interested citizens to study further consolidation and simplification of the tax rate structure for oil and natural gas production.

(3) By June 30, 1998, develop a proposal to present to the 1999 legislature that addresses the issues developed by the working group.

Fiscal 1998				Fiscal 1999			
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	General Fund	State Special Revenue	Federal Special Revenue	Proprietary
				Total	Other		Other
							Total

(4) Meet with CPAs and other interested groups throughout the biennium to discuss proposals for changes in statutes or filing requirements.

Objective 2: Timely response to taxpayer request for services.

Performance Measures:

(1) Issue 95% of all refunds of overpayments within 15 working days of receipt.

(2) Issue 95% of all requests for tax certificates within 3 days of receipt.

(3) Respond to 95% of taxpayer requests for information within 5 days of receipt.

Goal 3: To continually seek greater efficiency in agency programs, helping to ensure that resources are used wisely.

Objective 1: Increase the average number of field audits completed each year of the biennium without an increase in staff.

Performance Measures:

(1) Complete audits of 35 natural resource companies (includes oil, natural gas, coal, metals, and industrial minerals producers) each year of the biennium.

(2) Complete 35 corporation license tax audits each year of the biennium.

(3) Reduce by 25% the amount of time spent by audit staff in the corporation tax bureau on nonaudit activities for each year of the biennium.

(4) Achieve a 5% reduction in average hours spent on completing field audits during each year of the biennium.

Goal 4: To maintain and value a high-quality workforce.

Objective 1: Seek out job-specific additional training opportunities.

Objective 2: Expand customer feedback to address more than field audit performance.

Goal 5: To foster a positive relationship with government and citizen groups impacted by taxation policy.

Objective 1: Seek noncorporation, nonnatural resource-producing public input and input from impacted counties and schools prior to regulatory or statutory changes.

The appropriation of \$10,980 in fiscal year 1998 and \$10,980 in fiscal year 1999 for purchase of safety equipment for appraisers is restricted to the purchase of cellular phones and to other costs associated with use of cellular phones.

Liquor division proprietary funds necessary to maintain adequate inventories, pay freight charges, and transfer profit and taxes to appropriate accounts are appropriated to the department in amounts not to exceed \$50,433,000 in fiscal year 1998 and \$51,370,000 in fiscal year 1999.

DEPARTMENT OF ADMINISTRATION (6101)

<u>Fiscal 1998</u>			<u>Fiscal 1999</u>		
State	Federal		State	Federal	
Special	Special	Propri-	Special	Special	Propri-
Revenue	Revenue	etary	Revenue	Revenue	etary
<u>Revenue</u>	<u>Revenue</u>	<u>etary</u>	<u>Revenue</u>	<u>Revenue</u>	<u>etary</u>
General			General		
Fund			Fund		
<u>Fund</u>	<u>Fund</u>	<u>Other</u>	<u>Fund</u>	<u>Fund</u>	<u>Other</u>
<u>Total</u>	<u>Total</u>	<u>Total</u>	<u>Total</u>	<u>Total</u>	<u>Total</u>

The rates approved for the mail and distribution program are contingent upon resultant revenue being used to achieve program performance targets as outlined by the legislature in the general appropriations act for the 1999 biennium. The department shall provide semiannual reports to the office of budget and program

The mail and distribution program will achieve the following goals by meeting the specified performance measures:

Goal 1: To develop a pricing structure that stabilizes the program cash flow and provides incentives for agencies to prepare automated mail.

Performance Measures:

- (1) Retire all program interentity loans by the end of fiscal year 1999.
- (2) Base mail processing rates on actual postage plus overhead charges that accurately reflect the processing costs.
- (3) Increase the ratio of automated to nonautomated mail by 30% over the biennium through interagency coordination and agency training in mailing list management.

Goal 2. To consistently achieve a high degree of customer satisfaction with the timeliness and quality of mail processing service.

Performance Measures:

- (1) To increase the automation of incoming mail to improve the accuracy of delivery through interagency coordination and agency training.
- (2) Achieve a 99% level of the following delivery standards based on quarterly mail test samples: incoming mail delivered same day received, deadhead mail delivered within 24 hours of receipt, and automated outgoing mail delivered to the United States postal service the same day received unless hold requested by customer.
- (7) Customer satisfaction ratings from surveys done two times per year must meet acceptable service standards.

Item 6a contains biennial appropriations that the department and the office of budget and program planning may combine and spend in either year to allocate to agencies (except for Montana university system instructional faculty and the legislative branch), subject to the process described below, for personal services if the agencies did not experience normal turnover in an amount necessary to provide full funding for personal services. The amounts may be adjusted among fund types, excluding the general fund, which may not be adjusted.

It is not the intention of the executive branch or the legislature to force vacancies among judges or in direct care positions. It is recognized that the workload of the judges is ongoing. It is recognized that the nature of direct care mandates 24-hour staff coverage, 7 days a week, in order to provide statutorily mandated services. It is further recognized that vacancies in direct care programs do not translate into empty positions, but, rather, result in an increase in

<u>Fiscal 1998</u>				<u>Fiscal 1999</u>			
	Federal				State	Federal	
	Special				Special	Special	
	<u>Revenue</u>	<u>Proprietary</u>			<u>Revenue</u>	<u>Revenue</u>	<u>Proprietary</u>
				<u>Total</u>			<u>Other</u>
							<u>Total</u>
General							
<u>Fund</u>					<u>General</u>		
					<u>Fund</u>		

overtime wages until the position is filled. Accordingly, the amounts set aside for personal services contingencies for the judiciary and for direct care programs in executive branch agencies must be partially allocated to the affected agencies by the office of budget and program planning for fiscal year 1998 and fiscal year 1999 first-day processing. Likewise, the salaries of elected officials will be restored to the full amount cited on the already-approved schedule for fiscal year 1998 and fiscal year 1999 first-day processing.

Agencies making any other requests for an allocation of these contingency funds shall document the request in the manner prescribed by the budget director to show that personal services expenditures will exceed program appropriations for personal services and the reasons for the deficit. The office of budget and program planning shall provide an annual report to the legislative finance committee showing the allocations of these personal services contingency funds.

APPELLATE DEFENDER COMMISSION (6102)

1. Appellate Defender (01)

155,116	0	0	0	0	155,116	161,409	0	0	0	161,409
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Total

155,116	0	0	0	0	155,116	161,409	0	0	0	161,409
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PUBLIC EMPLOYEES' RETIREMENT BOARD (6104)

1. Public Employees' Retirement Division (35)

0	0	0	0	1,321,851	1,321,851	0	0	0	0	1,304,799	1,304,799
a. Legislative Audit (Restricted/Biennial)											
0	0	0	0	55,074	55,074	0	0	0	0	0	0
b. Asset/Liability Study (Biennial/OTO)											
0	0	0	0	12,500	12,500	0	0	0	0	12,500	12,500

Total

0	0	0	0	1,389,425	1,389,425	0	0	0	0	1,317,299	1,317,299
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The appropriation for the asset/liability study is a one time only biennial appropriation.

TEACHERS' RETIREMENT BOARD (6105)

		Fiscal 1998				Fiscal 1999					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
1. Teachers' Retirement Program (01)											
0	0	0	0	956,081	956,081	0	0	0	0	772,361	772,361
a. Legislative Audit (Restricted/Biennial)											
0	0	0	0	31,415	31,415	0	0	0	0	0	0
b. Asset/Liability Study (Biennial/OTO)											
0	0	0	0	7,500	7,500	0	0	0	0	7,500	7,500
Total											
0	0	0	0	994,996	994,996	0	0	0	0	779,861	779,861
The appropriation for the asset/liability software is a one time only biennial appropriation.											

	Fiscal 1998						Fiscal 1999					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
B. HEALTH AND HUMAN SERVICES												
DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES (6901)												
1.	Child and Family Services Division (03)											
38,982,744	7,488,394	86,819,214	0	0	133,290,351	39,239,222	7,614,844	89,364,661	0	0	0	136,218,727
a.	Permanency Planning (OTO)											
16,250	0	8,750	0	0	25,000	165,465	0	89,096	0	0	0	254,561
b.	Temporary Assistance for Needy Families Block Grant Implementation											
0	0	2,787,800	0	0	2,787,800	0	0	2,537,800	0	0	0	2,537,800
c.	Deer Lodge Public Assistance (OTO)											
70,000	0	0	0	0	70,000	70,000	0	0	0	0	0	70,000
d.	Supplemental Security Income/Welfare Reform (Restricted)											
100,000	0	0	0	0	100,000	100,000	0	0	0	0	0	100,000
e.	Head Start Collaboration Project (OTO)											
0	0	100,000	0	0	100,000	0	0	100,000	0	0	0	100,000
2.	Director's Office (04)											
408,173	829,271	696,283	0	0	1,933,727	406,536	888,821	698,208	0	0	0	1,993,565
a.	University of Montana Contract (Biennial)											
41,400	11,500	62,100	0	0	115,000	0	0	0	0	0	0	0
b.	Legal Staff (OTO)											
22,023	6,408	32,830	0	0	61,261	22,023	6,408	32,830	0	0	0	61,261
3.	Child Support Enforcement Division (05)											
0	3,095,122	6,091,608	0	0	9,186,730	0	3,094,058	6,091,097	0	0	0	9,185,155
a.	Omnibus Reconciliation Act Medical and Foster Care Positions (OTO)											
0	44,703	86,776	0	0	131,479	0	44,703	86,776	0	0	0	131,479
b.	Families Achieving Independence in Montana Liaison Positions (OTO)											

Fiscal 1998												Fiscal 1999				
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total					
0	68,645	137,001	0	0	205,646	0	68,624	137,022	0	0	205,646					
c. Missoula District Court (Restricted/Biennial/OTO)																
8,500	0	16,500	0	0	25,000	0	0	0	0	0	0					
4. Health Policy and Services Division (07)																
45,654,096	9,258,042	162,514,101	0	0	217,426,239	46,465,619	9,663,432	171,380,813	0	0	227,509,864					
a. Certificate of Need (OTO)																
46,123	0	0	0	0	46,123	46,123	0	0	0	0	46,123					
b. Communicable Disease (Restricted/Biennial)																
25,000	0	0	0	0	25,000	25,000	0	0	0	0	25,000					
c. Prevent Unintended Pregnancies (OTO)																
250,000	0	0	0	0	250,000	250,000	0	0	0	0	250,000					
d. Chronic Disease Epidemiologist (OTO)																
0	0	50,550	0	0	50,550	0	18,620	27,930	0	0	46,550					
e. Data System Integration (Restricted/Biennial)																
0	0	500,000	0	0	500,000	0	0	500,000	0	0	500,000					
f. Children's Catastrophic Insurance (Restricted)																
1,400,000	0	0	0	0	1,400,000	1,400,000	0	0	0	0	1,400,000					
5. Quality Assurance Division (08)																
1,208,459	216,935	2,967,889	0	0	4,393,283	1,204,233	216,964	2,969,174	0	0	4,390,371					
6. Operations and Technology Division (09)																
7,532,897	3,472,650	11,835,352	0	0	22,840,899	7,297,484	3,223,860	11,408,934	0	0	21,930,278					
a. Laboratory Scientist (Restricted)																
0	27,671	0	0	0	27,671	0	33,562	0	0	0	33,562					
b. Legislative Audit (Restricted/Biennial)																
175,046	10,744	137,830	0	0	323,620	0	0	0	0	0	0					

	Fiscal 1998				Fiscal 1999				
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	
					Total			Other	Total
7.	Disability Services Division (10)								
39,400,058	89,174	44,373,080	0	0	83,862,311	40,144,342	88,513	45,296,124	0 85,528,979
a.	Emergency Needs (OTO)								
49,762	0	117,058	0	0	166,820	47,249	0	116,354	0 163,603
b.	Donated Dental Services (Biennial/OTO)								
24,110	0	0	0	0	24,110	0	0	0	0 0
c.	Reserve for Legal Costs/Mandates (Restricted/Biennial)								
978,145	0	1,034,309	0	0	2,012,454	0	0	0	0 0
8.	Senior and Long-Term Care Division (22)								
41,573,782	2,296,428	109,569,874	0	0	153,440,083	41,682,135	2,293,249	114,758,529	0 158,733,913
a.	Expand Home- and Community-Based Waiver								
637,063	0	1,498,591	0	0	2,135,657	730,374	0	1,798,623	0 2,528,997
b.	Aging Services Home- and Community-Based Services Waiver (Restricted)								
0	0	1,850,907	0	0	1,850,907	0	0	1,850,907	0 1,850,907
c.	Provider Rate Increase								
217,903	0	323,892	0	0	541,795	448,041	0	705,316	0 1,153,357
9.	Addictive and Mental Disorders Division (33)								
44,631,387	21,826,562	39,523,518	0	0	105,981,468	45,148,278	21,974,467	41,473,389	0 108,596,133

The department may add FTE instead of contracting for services if it certifies to the office of budget and program planning that FTE are more cost-effective than contracting. FTE added through this language may not be included in the 2001 biennium base budget.

The department shall prepare a unified budget for the interagency coordinating council on prevention of child abuse and neglect. The unified budget must identify services funded, expenditures by service in fiscal year 1998, and preliminary amounts budgeted for the 2001 biennium by service and fund type from the

Fiscal 1998				Fiscal 1999			
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	General Fund	State Special Revenue	Federal Special Revenue	Proprietary
Total				Total			
Other				Other			
Total				Total			

department, office of public instruction, board of crime control, and department of labor and industry. A preliminary budget must be presented to the joint oversight committee on children and families, the legislative finance committee, and the office of budget and program planning by September 1, 1998. The unified budget must be published in the governor's budget request to the 56th legislature.

The current general fund medicaid growth rate is 5.19% for fiscal year 1998 and 1.43% for fiscal year 1999. The department may not go over 5.25% for fiscal year 1998 and 3.0% for fiscal year 1999 even if it has the money within its budget to do so.

The legislature recommends that the governor, legislative committees, and related committees of the department work together with the tribal governments of the state to develop specific recommendations that will increase economic development, income, and employment, which are beneficial to both tribal and nontribal individuals. These recommendations should include methods to reduce the department's and the department of correction's budgetary expenditures as a result of increased employment and income and solutions to problems. Recommendations must be presented to the next legislature.

It is the intent of the legislature that the \$2 million general fund across-the-board operating expense reduction each year of the 1999 biennium not come from the child and family services division, the senior and long-term care division, or the disability services division.

The department shall inform all nonprofits and providers that receive more than \$100,000 in grants per year from the state or from federal funds passed through by the state that they should review:

- (1) their cash balances;
- (2) administrative/direct service ratio; and
- (3) the actual number of people benefited.

The legislature is concerned that with future reductions in federal dollars, nonprofits will be required to begin downsizing while helping more people. The department is directed that unless prohibited by law, the department shall begin in fiscal year 1999 to direct grants to those providers that have smaller administrative/direct service ratios in comparison to similar size grants. The department shall take into account the overall grants that a provider receives in looking at administrative/direct cost ratio as well as results in performance and the number of people served.

The department shall report to the joint oversight committee on children and families at each of its meetings as to the progress of this initiative. Benefits for TANF are set at 40.5% of the poverty rate for each year of the biennium.

The benefit rate for TANF may be lowered from the 40.5% poverty rate to keep within any caseload growth rate in excess of the department's projections.

Those projections are as follows:
Average Monthly Caseload

			Fiscal 1998			Fiscal 1999		
General Fund	State Special Revenue	Total	Federal Special Revenue	Proprietary	Other	General Fund	State Special Revenue	Federal Special Revenue

1997	9,467							
1998	9,440							
1999	9,407							

At least four of the new FTEs added to the base budget of the child and family services division must be adult protective services workers. The legislature directs the department to continue to pursue the transfer of the adult protective services program to the senior and long-term care division and to report to the 1999 legislature on the progress of those efforts.

It is the intent of the legislature that the department provide the following information to the office of budget and program planning, the legislative finance committee, and the legislative joint oversight committee on children and families by November 1, 1998:

- (1) the unduplicated total number of children in foster care in fiscal year 1998;
- (2) the average number of placements per child in the foster care system during fiscal year 1998;
- (3) the average cost per service per child in the foster care system in fiscal year 1998;
- (4) the unduplicated total number of families served by the department's foster care prevention programs during fiscal year 1998 and the number of foster care placements prevented during fiscal year 1998;
- (5) the unduplicated number of children in foster care in fiscal year 1998 who have been in foster care 2 years or longer; and
- (6) the number of permanent homes found for children in foster care in fiscal year 1998.

The department shall expend the minimum federally required funds for the following child care activities: provider recruitment and education; grants and loans to child care providers to assist them in meeting state and local standards and in expanding and improving other child care operations; compliance monitoring for licensing and regulatory requirements; training and technical assistance; activities to improve compensation for child care providers; and comprehensive consumer education. The department may spend no more than \$821,369 on these activities in fiscal year 1998 and no more than \$864,347 in fiscal year 1999.

The department shall provide the following information for fiscal year 1998 to the 56th legislature: the total amount of funds expended on child care; the amount of funds spent on administrative costs for child care; the total amount of funds spent for resource and referral agencies; and the total amount of funds spent on direct child care services. The department shall also provide a breakdown of the types of clients served, separately identifying clients who were eligible for services as participants in the families achieving independence in Montana program (FAIM) or as recipients who were income-eligible and participated in the cost of child care on a sliding fee scale.

The department shall redesign the child care sliding fee scale for the working poor families. The amount of the copayment required by the sliding fee scale

	Fiscal 1998			Fiscal 1999
General Fund	Federal Special Revenue	State Special Revenue	General Fund	Federal Special Revenue
	Proprietary		Total	Proprietary
	Other			Other
				Total

should not contain huge cliffs for families, either within the income categories for the scale or when the families' income increases enough so that they lose eligibility.

As FAIM families move from FAIM, with its required participation in work or work-related activities, into employment, the child care expenditure focus should move with them. There needs to be funding available to serve low-income families that are not or that are no longer FAIM participants.

The provider rate increase provided for child care should not be equally divided across all providers.

The department shall develop a new system of paying providers within the same provider groups to take into account differences in market rates, geography, and other economic concerns within the state and to provide access to state and federal child care funds for FAIM and working families. The department should implement the new welfare reform and child block grant programs.

It is the intent of the legislature that a reasonable amount of funds appropriated for the state food bank network be used to purchase a truck body for

Item 1b is for the department to implement the federal temporary assistance for needy families (TANF) block grant as required by federal law and in such use in the food bank network programs. The department is required to use the TANF funds for the purpose of providing temporary assistance to needy families. It is the intent of the legislature that any unused federal TANF funds be reserved for future use.

The fiscal year 1999 appropriation in item 1e is contingent upon the department expending no more each year of the 1999 biennium than the amount appropriated in this act) each year of the 1999 biennium for foster care payments.

It is the intent of the legislature that in fiscal year 1998 and fiscal year 1999, any unexpended portion of the department's funding appropriation, up to \$9,751 for each year of the biennium, be used by the department for the purposes of funding the department advisory council and the Native American advisory council.

The legislature recognizes that parties who are not required to participate in the IV-D program are choosing to use program services. The legislature intends that these parties help defray the costs associated with provision of services. If the child support enforcement division (CSED) projects that state special revenue may be insufficient to fund appropriations, the CSED shall implement a plan to charge fees and recover costs from parties who receive CSED services.

The appropriation provided for the CSED is contingent upon funds being used to achieve program performance targets as outlined by the legislature in the general appropriations act for the 1999 biennium. The department shall provide semiannual reports to the office of budget and program planning and the legislative council division on progress toward achievement of these performance targets, with explanations for any significant variances.

Goal 1: To establish paternity for 90% of Title IV-D cases.

Objective 1: To decrease the percentage of Title IV-D cases needing establishment of paternity by 2% each year.

Fiscal 1998				Fiscal 1999			
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	General Fund	State Special Revenue	Federal Special Revenue	Proprietary
Other	Total	Other		General Fund	State Special Revenue	Federal Special Revenue	Other
							Total
<u>Performance Measure:</u> The number of Title IV-D cases for whom paternity is established by CSED.							
Number of CSED							
Established Paternity	4,335	4,000		4,000	4,000		
<u>Performance Measure:</u> The number of Title IV-D cases for whom paternity is established through voluntary hospital paternity acknowledgment.							
Number of Voluntary Hospital Paternity Acknowledgments	1,698 (est.)	1,700		1,700	1,700		
<u>Goal 2:</u> To establish financial and medical support orders for 75% of Title IV-D cases.							
<u>Objective 1:</u> To decrease the percentage of Title IV-D cases needing orders for financial support by 3% each year.							
<u>Performance Measure:</u> The number of orders established for financial support and medical support.							
Number of CSED - Established Financial Support Orders	2,376	2,400		2,400	2,400		
<u>Goal 3:</u> To collect financial and medical support from both parents for 45% of Title IV-D cases.							
<u>Objective 1:</u> To increase the percentage of Title IV-D cases with collections by 5% each year.							
<u>Performance Measure:</u> The number of orders to withhold.							
Number of CSED Orders to Withhold	14,386	14,400		14,400	14,400		
<u>Performance Measure:</u> The number of paying cases.							
Number of Paying Cases	12,288	13,929		15,660	17,400		

Fiscal 1998				Fiscal 1999															
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total								
<u>Performance Measure:</u> Total dollars collected.																			
FY 96				FY 97				FY 98				FY 99							
Total Dollars Collected				\$33.6M				\$38.4M				\$43.2M				\$48.0M			
<u>Objective 2:</u> To increase the percentage of Title IV-D cases by 1% a year when health insurance coverage is obtained after being ordered.																			
<u>Performance Measure:</u> The number of cases for whom health insurance coverage is obtained.																			
FY 96				FY 97				FY 98				FY 99							
Number of Cases																			
With Health Insurance																			
Coverage				2,969				2,970				2,971				2,972			
<u>Goal 4:</u> To decrease the time for updating support orders from 1 year to 3 months.																			
<u>Objective 1:</u> To ensure that support orders are up to date.																			
<u>Performance Measure:</u> The average amount of time for updating support orders.																			
FY 96				FY 97				FY 98				FY 99							
Average Time to																			
Update Support Orders				12 mo.				12 mo.				3 mo.				3 mo.			
<u>Goal 5:</u> To make the process more efficient and responsive.																			
<u>Objective 1:</u> To increase the cost/benefit ratio of dollars collected to administrative costs.																			
<u>Performance Measure:</u> Ratio of dollars collected to expenditures.																			
FY 96				FY 97				FY 98				FY 99							
Cost/Benefit Ratio				\$3.68				\$4.01				\$4.02				\$4.03			
The legislature intends that \$63,020,920 of the amount in fiscal year 1998 and \$65,249,057 of the amount in fiscal year 1999 in item 4 are appropriated for hospital medicaid benefits.																			
Item 4f is for the children's catastrophic and accident insurance program. It is the intent of the legislature that this program be available for children in families with incomes up to 150% of the federal poverty level. It is the further intent of the legislature that parents be required to pay for a portion of																			

<u>Fiscal 1998</u>				<u>Fiscal 1999</u>			
<u>General Fund</u>	<u>State Special Revenue</u>	<u>Federal Special Revenue</u>	<u>Proprietary</u>	<u>General Fund</u>	<u>State Special Revenue</u>	<u>Federal Special Revenue</u>	<u>Proprietary</u>
<u>Total</u>	<u>Other</u>	<u>Total</u>		<u>Total</u>	<u>Other</u>	<u>Total</u>	

the health insurance premium on a sliding scale of income as a condition of participating in the program. The minimum payment by the family must be at least 20% of the total payment.

The first priorities regarding who should be served are those families no longer on TANF that lose their medicaid benefits and working families that are very low income.

It is the intent of the legislature that vouchers be issued on a first-come basis for people to purchase their own insurance policies. If this cannot be done, then the department shall solicit bids that may be multiple or a single bid by different providers or insurance companies. The department must have the bid decided by June 1, 1997. The department shall ensure that there are very limited administrative costs involved in this program by either the department or by the providers or insurance companies.

The department shall seek a waiver to allow the purchase of children's catastrophic health insurance, using medicaid dollars without creating an entitlement. If such a waiver is approved, the department shall reduce general fund money by the amount of medicaid reimbursement. The department shall use the freed up general fund money to expand this program as long as an entitlement program is not created.

The department shall ensure that people do not discontinue their policies to get this policy. The department may help pay for catastrophic insurance or that portion of a policy that may be available within or from the employer of the family. It is a higher priority to buy insurance for those that are unable to get such a policy from their employers.

It is the intent of the legislature that this appropriation not be included in the calculation of the general fund medicaid cap referenced in language in [this act]. This is a restricted item in the budget.

It is the intent of the legislature that the implementation of the resource based relative value scale (RBRVS) physician provider rate system be phased in over the 1999 biennium. The department shall ensure that in fiscal year 1998, the reimbursement for each procedure included in the RBRVS system not decrease more than 15% or increase more than 40% compared to the reimbursement rate used in fiscal year 1997. The department shall ensure that in fiscal year 1999, the reimbursement for each procedure included in the RBRVS system not decrease more than 20% or increase more than 45% compared to the reimbursement rate used in fiscal year 1998. If the proposed minimum and maximum reimbursement parameters yield insufficient funds to implement the RBRVS system, funds must be taken first from the 1.5% provider rate increase and second from the RBRVS system policy adjuster to achieve the percentages of increase or decrease.

It is the intent of the legislature that if the department collects in excess of \$6.6 million dollars in fiscal year 1998 in drug rebates and in excess of \$7.1 million dollars in fiscal year 1999 in drug rebates, then these excesses are appropriated to the department for any purpose consistent with the mission of the department. The appropriation is a biennial appropriation.

Fiscal 1998				Fiscal 1999			
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	General Fund	State Special Revenue	Federal Special Revenue	Proprietary
				Total	Other		
							Total

It is the intent of the legislature that if the department collects in excess of \$1.45 million dollars in fiscal year 1998 in third party liability payments for medicaid expenses, and in excess of \$1.5 million in fiscal year 1999 third party liability payments for medicaid expenses, then these excesses are appropriated to the department for any purpose consistent with the mission of the department. The appropriation is a biennial appropriation.

It is the intent of the legislature that in fiscal year 1998 and fiscal year 1999, any unexpended portion of the department's general fund appropriation, up to \$500,000 for the biennium, may be awarded by the department for the purposes of providing primary and preventive health care benefits to children who are uninsured and not eligible for medicaid benefits. To qualify, the family income may be no greater than 185% of the federal poverty level. The department may contract with public or private entities for the administration and provision of these services. These funds may be allocated only to those programs that have established a statewide network of medical providers who have agreed to accept reimbursement at a lower rate than would normally be charged for their services.

The department may not pay more than the amounts listed below for computer processing and printing at the department of administration for the specific systems identified as follows unless otherwise agreed to by the departments: for TEAMS: fiscal year 1998 -- \$2,038,669; fiscal year 1999 -- \$1,648,661; for SEARCHS: fiscal year 1998 -- \$819,045; fiscal year 1999 -- \$663,493; and for CAPS: fiscal year 1998 -- \$680,978; fiscal year 1999 -- \$548,914.

The department is authorized to expend up to \$500,000 of any unexpended portion of the department's general fund appropriation each year of the 1999 biennium and up to \$500,000 of any unexpended portion of the department's federal fund appropriation each year of the 1999 biennium for the purpose of evaluating and developing electronic benefits transfer capabilities. The department shall demonstrate to the legislative finance committee cost neutrality over the first 7 years of implementation for any electronic benefits transfer system prior to expending state funds or committing state resources beyond the initial development phase of the electronic benefits transfer project.

The operations and technology division is appropriated any unexpended funds from the accounting entities numbered 03203 and 03276 after required expenditures for the ARCO lawsuit.

It is the intent of the legislature that the disability services division pursue federal funding to enhance and improve services to persons with developmental disabilities. These additional federal funds may be expended by the division for services as long as those actions do not require or commit the state to additional general fund expenditures beyond the amount appropriated during the 1999 biennium by the legislature for the developmental disabilities community.

Item 7c is a restricted, biennial appropriation to be used for two purposes. General fund money equal to \$120,000 is restricted to pay for legal costs associated with a lawsuit to move certain individuals at the Eastmont human services center and the Montana developmental center to community living/services. The remaining funds are to be used by the disability services division to provide community living/services to those individuals if the court mandates that the community living/services be provided.

Fiscal 1998				Fiscal 1999			
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	General Fund	State Special Revenue	Federal Special Revenue	Proprietary
				Total	Other	Total	Other
							Total

Item 8c includes \$80,213 in fiscal year 1998 and \$161,630 in fiscal year 1999 for aging services. It is the intent of the legislature that these funds be expended only to provide additional services, not for increased administrative costs.

The department is authorized to supplement funds appropriated to rebase nursing home rates with funds appropriated for increased nursing home bed days in order to avoid inappropriate decreases in the department's current nursing home reimbursement formula and to comply with federal law, as long as total program expenditures do not exceed the appropriation for nursing homes.

The appropriation provided for the Montana chemical dependency center (MCDC) is contingent upon funds being used to achieve program performance targets as outlined by the legislature in the general appropriations act for the 1999 biennium. The department shall provide semiannual reports to the office of budget and program planning and the legislative fiscal division on progress toward achievement of these performance targets, with explanations for any significant variances.

Goal 1: Through collaboration with referral sources, ensure that placement standards are met and that appropriate use of services is maintained.

Performance Measure/Target: A utilization review will be conducted on 100% of level III placement justification packets. In the case of inadequate documentation, the referring counselor must be contacted and given an opportunity to correct the deficiencies and resubmit.

	FY 96	FY 97 Target	FY 98 Target	FY 99
(placement compliance)				
	65%	75%	85%	88%

Goal 2: Through collaboration with referral sources, increase the number of scheduled clients admitted for treatment.

Performance Measure/Target: During the utilization review, identify potential problems that may affect the client's ability to be present for admission and problem solve with the referring counselor.

	FY 96 Base	FY 97 Target	FY 98 Target	FY 99
(showup rate)		(showup rate)	(showup rate)	
	70%	73%	76%	78%

Goal 3: Increase client retention in treatment until treatment plan completion.

Performance Measure/Target: Monitor and review all discharges through the quality assurance process, identify factors of premature discharges, and develop corrective actions to improve outcome.

	FY 96	FY 97 Target	FY 98 Target	FY 99
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Fiscal 1998					Fiscal 1999						
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
(completion rate)	(completion rate)	(completion rate)				(completion rate)					
63%	66%	71%			69%						
Goal 4: Improve client compliance with continued care recommendations back to programs in the community.											
Performance Measure/Target: Increase the number of clients that comply with discharge recommendations for continued care in the community by applying managed care principles and conducting followup to measure compliance and collect data on set outcome indicators.											
	FY 96	FY 97 Target	FY 98 Target	FY 99							
(continued care											
showup rate)											
61%	65%	70%	72%								
(this is of the 63% that											
completed and participated											
in the discharge/placement											
process)											
TOTAL SECTION B											
223,452,925	48,742,248	473,135,811	0	0	745,330,984	224,892,124	49,230,123	491,423,584	0	0	765,545,831

	Fiscal 1998						Fiscal 1999					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
C. NATURAL RESOURCES AND COMMERCE												
DEPARTMENT OF FISH, WILDLIFE, AND PARKS (5201)												
1.	Administration and Finance Division (01)											
	0	3,468,321	502,867	0	0	3,971,188	0	3,589,913	491,006	0	0	4,080,919
a.	Legislative Audit (Restricted/Biennial)											
	0	51,943	9,166	0	0	61,109	0	0	0	0	0	0
b.	Legislative Contract Authority (Restricted/OTIO)											
	0	0	30,000	0	0	30,000	0	0	30,000	0	0	30,000
c.	Automated Licensing System (Biennial/Restricted)											
	0	1,852,550	912,450	0	0	2,765,000	0	0	0	0	0	0
2.	Field Services Division (02)											
	0	1,558,253	307,502	0	0	1,865,755	0	1,554,240	331,390	0	0	1,885,630
a.	Block Management (Restricted)											
	0	3,301,816	285,090	0	0	3,586,906	0	3,272,843	296,494	0	0	3,569,337
b.	Game Damage (Restricted)											
	0	100,000	0	0	0	100,000	0	100,000	0	0	0	100,000
c.	Public Wildlife Interface (Restricted/Biennial)											
	0	65,000	0	0	0	65,000	0	0	0	0	0	0
3.	Fisheries Division (03)											
	0	3,345,423	2,953,400	0	0	6,298,823	0	3,341,862	2,933,367	0	0	6,275,229
a.	Legislative Contract Authority (Restricted/OTIO)											
	0	0	825,000	0	0	825,000	0	0	675,000	0	0	675,000
b.	Water Leasing (Biennial)											
	0	66,000	0	0	0	66,000	0	0	0	0	0	0
c.	Department of Natural Resources and Conservation Fish Monitoring (Restricted)											

Fiscal 1998													Fiscal 1999				
		General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total				
4.	Law Enforcement Division (04)	0	15,250	0	0	0	15,250	0	15,250	0	0	0	15,250				
	124,959	5,104,932	168,715	0	0	0	5,398,606	121,572	5,074,118	166,872	0	0	5,362,562				
a.	Legislative Contract Authority (Restricted/OTO)	0	0	287,000	0	0	287,000	0	0	287,000	0	0	287,000				
b.	Block Management (Restricted)	0	233,091	0	0	0	233,091	0	233,373	0	0	0	233,373				
c.	Game Farms (Biennial)	0	208,000	0	0	0	208,000	0	0	0	0	0	0				
5.	Wildlife Division (05)	0	2,958,451	3,081,044	0	0	6,039,495	0	2,925,582	3,087,728	0	0	6,013,310				
a.	Harvest Survey Data Processing (Restricted)	0	5,000	15,000	0	0	20,000	0	5,000	15,000	0	0	20,000				
b.	Upland Game Bird Habitat (Restricted/Biennial)	0	1,000,000	0	0	0	1,000,000	0	0	0	0	0	0				
c.	Predator Research (Restricted)	0	29,975	89,925	0	0	119,900	0	29,975	89,925	0	0	119,900				
d.	Legislative Contract Authority (Restricted/OTO)	0	0	481,000	0	0	481,000	0	0	456,000	0	0	456,000				
e.	Bear Management Specialist	0	0	41,088	0	0	41,088	0	0	41,088	0	0	41,088				
f.	Coyote Control Study (Restricted/OTO)	0	57,455	0	0	0	57,455	0	57,455	0	0	0	57,455				
6.	Parks Division (06)	289,799	4,137,602	508,779	0	0	4,936,180	288,962	4,050,704	508,640	0	0	4,848,306				

		Fiscal 1998			Fiscal 1999							
General Fund		State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
7.												
a. Legislative Contract Authority (Restricted/OTO)												
0		0	25,000	0	0	25,000	0	0	25,000	0	0	25,000
Conservation Education Division (08)												
2,698	1,481,875	460,477	0	0	0	1,945,050	2,698	1,454,106	472,371	0	0	1,929,175
a. Legislative Contract Authority (Restricted/OTO)												
0	0	20,000	0	0	0	20,000	0	0	20,000	0	0	20,000
b. Shooting Range Grants (Biennial)												
0	119,800	0	0	0	0	119,800	0	0	0	0	0	0
8. Department Management (09)												
0	2,697,820	483,048	0	0	0	3,180,868	0	2,666,093	487,010	0	0	3,153,103
a. Legislative Contract Authority (Restricted/OTO)												
0	0	135,000	0	0	0	135,000	0	0	135,000	0	0	135,000
b. Survey of Programs												
0	30,000	0	0	0	0	30,000	0	30,000	0	0	0	30,000

The appropriations for legislative contract authority are subject to the following provisions:

- (1) Legislative contract authority applies only to federal funds.
 - (2) Expenditures must be reported on state accounting records and kept separate from present law operations. In preparing the 2001 biennium budget for legislative consideration, the office of budget and program planning may not include the expenditures from this item in the present law base.
 - (3) A report must be submitted by the department to the legislative fiscal analyst following the end of each fiscal year of the biennium. The report must include a listing of projects with the related amount of expenditures and FTE for each project.
- Item 1c was approved for development of an automated licensing system. Subsequent legislatures should examine the system carefully for costs, savings, and savings from lowering license agents' commissions. Costs to complete and operate the system in the 2001 biennium are expected to be \$1,007,000 for development

				Fiscal 1998				Fiscal 1999			
General Fund	State Special Revenue	Federal Special Revenue	Proprietary				Total				Total
				Other	General Fund	State Special Revenue		Other	Federal Special Revenue	Proprietary	

and \$1,880,000 for operations. Savings of 3 FTE and \$392,000 and additional interest earnings of \$100,000 are expected to phase in toward the end of fiscal year 2000. The department shall submit up-to-date cost estimates, cost savings estimates, and any request for additional funding to the 1999 legislature.

The appropriation provided for the law enforcement division is contingent upon funds being used to achieve program performance targets set by the legislature in the general appropriations act for the 1999 biennium. The department shall provide semiannual reports to the office of budget and program planning and the legislative fiscal division on progress toward achievement of these performance targets, with explanations for any significant variances.

The proposed law enforcement division goals and associated performance targets for each year to the 1999 biennium are as follows:

Goal 1: Fish and Wildlife Compliance - Provide protection for fish, wildlife, and habitat resources through regulation and education ensuring equitable outdoor recreational opportunities by maintaining present level of compliance of fish and wildlife regulations.

Performance Measures/Targets:

- (1) Contact at least 20% of license holders for compliance: 112,000 in fiscal year 1998 and 116,000 in fiscal year 1999.
- (2) Contact 9,800 landowners in each fiscal year.
- (3) 95% conviction rate in prosecutions: 3,135 convictions in fiscal year 1998 and 3,230 in fiscal year 1999.
- (4) Have 11 specialized programs.

Goal 2: State Parks Compliance - Protect the state's natural, historic, cultural, and recreational resources through regulation and education, providing a safe and enjoyable experience for users.

Performance Measures/Targets:

- (1) Contact 2,500 park users each fiscal year.
- (2) Conduct 40 investigations each fiscal year.
- (3) 95% conviction rate in prosecutions: 95 convictions in each fiscal year.

Goal 3: Recreational Conveyance Compliance - Protect public safety and enjoyment of boat and water recreation and snowmobile and off-highway vehicle use through education and regulation.

Performance Measures/Targets:

- (1) Contact at least 40% of licensed users: 35,600 users in fiscal year 1998 and 36,800 in fiscal year 1999.
- (2) Participate in at least 30 water safety programs each year.
- (3) 95% conviction rate in prosecutions: 703 convictions in fiscal year 1998 and 741 in fiscal year 1999.

	Fiscal 1998				Fiscal 1999							
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
<p>The department shall reduce the federal appropriation in item 5e and increase the state special revenue appropriation by a like amount if federal funds are not available. The department shall provide an evaluation of this new proposal to the 1999 natural resources and commerce appropriation subcommittee.</p> <p>The legislature directs the department to document that operation and maintenance at existing state parks are adequately funded in [this act] before the department submits any capital requests to spend park fees, lodging facility use taxes, or coal severance tax revenue. The legislature directs the department to prioritize its parks capital project requests in House Bill No. 5, subject to the continuing general operations and maintenance funded in [this act].</p> <p>In this biennium, the department should move toward financing the Montana outdoors magazine with 75% of earned revenue and, to that extent, reduce the money spent from hunting and fishing license fees.</p> <p>Item 8b funds a public survey of department programs. Results of the survey must be submitted to members of the natural resources and commerce appropriations subcommittee prior to the 1999 session. The department shall reduce the state special revenue appropriation and increase the federal special revenue appropriation by a like amount if federal funds are available.</p>												
DEPARTMENT OF ENVIRONMENTAL QUALITY (5301)												
1. Central Management Program (10)	14,996	0	0	0	0	14,996	14,996	0	0	0	0	14,996
2. Petro Tank Release Compensation Board (11)	0	1,419,724	0	0	0	1,419,724	0	1,445,904	0	0	0	1,445,904
3. Planning, Prevention and Assistance Division (20)	1,035,362	1,299,780	4,474,002	0	0	6,809,144	1,027,586	1,288,282	4,403,815	0	0	6,719,683
a. Montana Major Facility Siting Act (Restricted/Biennial)	0	1,000,000	0	0	0	1,000,000	0	0	0	0	0	0
4. Enforcement Division (30)	317,958	272,556	339,911	0	0	930,426	316,103	258,635	333,493	0	0	908,231
5. Remediation Division (40)	0	2,013,199	7,237,381	0	0	9,250,580	0	1,821,420	7,265,766	0	0	9,087,186
6. Permitting and Compliance Division (50)	786,908	7,064,126	2,445,820	0	0	10,296,854	779,442	7,073,025	2,406,707	0	0	10,259,174

						Fiscal 1998				Fiscal 1999			
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total		
a. Montana Major Facility Siting Act (Restricted)													
0	249,175	0	0	0	249,175	0	244,364	0	0	0	244,364		
b. Reclamation Bond Forfeitures (Restricted/Biennial)													
0	1,040,811	0	0	0	1,040,811	0	0	0	0	0	0		
c. Shallow Injection Wells (Restricted)													
0	17,580	17,581	0	0	35,161	0	21,683	65,047	0	0	86,730		

The legislature has approved an indirect cost rate of 19.5% each fiscal year. If subsequent legislative committee action adds additional personal services funding, the committee should also review the indirect cost rate.

Included in the department's budget is federal funding to conduct nonpoint source pollution control activities under 33 U.S.C. 1329. At least 50% of this amount must be contracted to conservation districts.

If there is a reduction or elimination of federal funds that are appropriated to fund personal services FTE in the department, there can be no substitution of those federal funds from general fund money or state special revenue money to fund those FTE.

DEPARTMENT OF LIVESTOCK (5603)

1.	Centralized Services Program (01)										
	72,176	714,303	40,162	0	0	826,642	74,576	725,715	41,493	0	0
a.	Legislative Audit (Restricted/Biennial)										
	0	29,005	0	0	0	29,005	0	0	0	0	0
2.	Diagnostic Laboratory Program (03)										
	135,680	925,113	0	0	0	1,060,793	136,457	951,435	0	0	0
3.	Disease Control Program (04)										
	0	611,373	0	0	0	611,373	0	588,863	0	0	0
a.	Bison Control (Restricted/OTO)										

	Fiscal 1998					Fiscal 1999						
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
4.												
										</		

The department shall record separately all operating expenses, equipment, and capital expenditures related to bison control for all programs in which any resources are expended for that purpose, in separate responsibility centers on the statewide budgeting and accounting system, and shall create a summary reporting center. The department shall provide an annual report, by program, to the legislative fiscal analyst and the office of budget and program planning of all direct expenditures related to bison control.

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION (5706)

1. Trust Land Management Division (04)	3,274,752	3,350,701	23,284	0	0	6,648,736	3,271,097	3,433,602	22,793	0	0	6,727,493
a. Environmental Impact Statements (Restricted)	0	150,000	0	0	0	150,000	0	150,000	0	0	0	150,000
b. Crow Tribe Land Exchange (Restricted)	0	0	100,000	0	0	100,000	0	0	100,000	0	0	100,000

Fiscal 1998													Fiscal 1999				
State													Federal				
Special Revenue													Special Revenue				
General Fund													General Fund				
Proprietary													Proprietary				
Other													Other				
Total													Total				
2.	Centralized Services (21)																
	1,703,556	604,228	58,449	0	0	0	2,366,233	1,753,293	604,379	48,529	0	0	2,406,201				
	a. Legislative Audit (Restricted/Biennial)																
	43,035	0	0	0	0	0	43,035	0	0	0	0	0	0				
3.	Oil and Gas Conservation Division (22)																
	0	815,357	0	0	0	0	815,357	0	804,221	0	0	0	804,221				
	a. Underground Injection Control Program																
	0	309,257	0	0	0	0	309,257	0	313,282	0	0	0	313,282				
4.	Conservation and Resource Development Division (23)																
	89,106	1,750,190	117,927	0	0	0	1,957,223	88,001	1,745,599	122,928	0	0	1,956,528				
5.	Water Resources Division (24)																
	3,279,428	2,557,325	54,204	0	0	0	5,890,957	3,315,515	2,537,963	54,210	0	0	5,907,688				
	a. Rocky Boy's Study (Restricted/OTO)																
	310,000	0	0	0	0	0	310,000	0	0	0	0	0	0				
	b. Broadwater Dam Project (Restricted/Biennial/OTO)																
	0	520,000	0	0	0	0	520,000	0	0	0	0	0	0				
	c. Water Project Lease Administration (Restricted)																
	0	19,500	0	0	0	0	19,500	0	18,500	0	0	0	18,500				
6.	Reserved Water Rights Compact Commission (25)																
	201,891	364,618	0	0	0	0	566,509	202,365	360,926	0	0	0	563,291				
7.	Forestry Division (35)																
	5,014,871	2,351,065	790,452	0	0	0	8,156,388	4,975,256	2,353,748	787,611	0	0	8,116,615				
	a. Community Forestry (OTO)																
	0	0	24,000	0	0	0	24,000	0	0	23,266	0	0	23,266				
	b. National Fire Management Analysis System (OTO)																

Fiscal 1998				Fiscal 1999			
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	General Fund	State Special Revenue	Federal Special Revenue	Proprietary
				Total	Other	Total	Other
6,667	3,333	0	0	10,000	0	6,667	0
c. Federal Fire Reimbursements (Restricted)							
0	0	350,000	0	350,000	0	350,000	0
Total							
13,923,306	12,795,573	1,518,315	0	28,237,195	13,608,859	12,328,889	1,509,337

The department is appropriated up to \$700,000 for the biennium from the account established in 76-14-112 for rangeland loans during the 1999 biennium.

All funds held in the state special revenue fund in accordance with 76-16-106(2) are appropriated to the department for administration of grazing district activities in an amount of up to \$15,000 a year for the 1999 biennium.

The department is appropriated up to \$400,000 for the biennium from the state special revenue account established in 85-1-604 for the purchase of prior liens on property held as loan security as required by 85-1-618.

The department is authorized to decrease state special revenue money in item 3a and increase federal special revenue money by a like amount if federal EPA funds become available. Any federal special revenue funds are to be spent before state special revenue funds.

The department shall reduce the appropriation in item 5a and increase the federal appropriation by a like amount if federal funds become available.

During the 1999 biennium, up to \$20,000 of interest earned on the Broadwater water users account is appropriated to the department for the purpose of repair, improvement, or rehabilitation of the Broadwater-Missouri diversion project.

During the 1999 biennium, up to \$1 million of funds currently in or to be deposited in the Broadwater replacement and renewal account are appropriated to the department for repairing or replacing equipment at the Broadwater hydropower facility.

Up to \$20,000 each year of fines collected under the provisions of Title 85, chapter 2, and deposited in the water right appropriation account in accordance with 85-2-318 are appropriated to the department to carry out the enforcement functions required under 85-2-114.

During the 1999 biennium, up to \$500,000 of funds currently in or to be deposited in the state project hydropower earnings account are appropriated for the purpose of repairing, improving, or rehabilitating department state water projects.

The appropriation provided for the Montana state nursery is contingent upon funds being used to achieve the program objectives of becoming self-supporting by 2001 and maintaining a fund balance. The department shall provide semiannual reports to the office of budget and program planning and the legislative fiscal division on progress toward achievement of this objective.

Fiscal 1999

Fiscal 1998

General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
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Item 7c are those funds received from federal agencies for the use of department personnel and equipment to assist them in managing emergency incidents, such as fire suppression activities. Only those federal funds received as reimbursement of personnel expenses credited against the department's state forestry operational budget or those funds received as payment under equipment use agreements are considered federal fire reimbursement funds. All other federal funds received must be deposited in the general fund. It is the intent of the legislature that funds reimbursed for the use of department equipment be expended for the repair, maintenance, and replacement of equipment that supports the state-county cooperative fire program. The department shall report federal fire reimbursement expenditures on state accounting records, and the records must be separate from present law operations.

In determining the base amount for the general fund transfer to the air operations proprietary account to be included in the 2001 biennium executive budget request, the office of budget and program planning shall use \$335,000.

For the purposes of 17-2-108, the approving authority is directed to decrease the general fund appropriation in the fire program within the forestry division by the amount of money received from fire protection assessments in excess of the appropriation and to increase the appropriation of the fire protection assessments by a like amount.

DEPARTMENT OF AGRICULTURE (6201)

1. Central Management Division (15)

190,097	277,723	77,558	28,011	7,870	581,259	210,034	273,575	78,968	27,195	7,687	597,459
a.	Legislative Audit (Restricted/Biennial)										
31,157	0	0	0	0	31,157	0	0	0	0	0	0

b. Program/Analyst (Restricted/OTO)

12,613	25,692	5,139	2,336	934	46,714	10,885	22,172	4,435	2,016	806	40,314
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c. Equipment (Restricted/OTO)

675	1,375	275	125	50	2,500	0	0	0	0	0	0
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d. Retirement Costs (Restricted/OTO)

6,628	6,970	0	697	205	14,500	0	0	0	0	0	0
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2. Agricultural Sciences Division (30)

111,846	4,162,463	438,158	0	0	4,712,467	112,511	4,159,874	489,309	0	0	4,761,694
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a. Environmental Protection Agency Grants (Biennial/OTO)

	Fiscal 1998						Fiscal 1999					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
0	1,270,291	0	0	0	0	1,270,291	0	1,291,301	0	0	0	1,291,301
3.	Professional and Occupational Licensing Bureau (39)											
0	4,097,680	0	0	0	0	4,097,680	0	4,075,910	0	0	0	4,075,910
4.	Economic Development Division (51)											
888,778	141,740	3,649,862	0	0	0	4,680,380	892,718	172,502	3,621,708	0	0	4,686,928
a.	Legislative Audit (Restricted/Biennial)											
4,618	31,249	11,972	0	0	0	47,839	0	0	0	0	0	0
5.	Montana Promotion Division (52)											
0	650,000	0	0	0	0	650,000	0	650,000	0	0	0	650,000
6.	Community Development Bureau (60)											
332,414	663,765	6,870,804	0	0	0	7,866,983	330,931	660,177	6,867,401	0	0	7,858,510
a.	Coal Board -- Local Impact (Biennial)											
0	2,551,603	0	0	0	0	2,551,603	0	544,750	0	0	0	544,750
7.	Local Government Services Audit and Systems Bureau (62)											
358,332	0	0	0	0	0	358,332	353,490	0	0	0	0	353,490
8.	Building Codes Bureau (65)											
0	2,368,190	0	0	0	0	2,368,190	0	2,222,263	0	0	0	2,222,263
9.	Montana Science and Technology Alliance (73)											
0	355,808	0	0	0	0	355,808	0	359,159	0	0	0	359,159
10.	Housing Division (74)											
0	0	22,934,695	0	0	0	22,934,695	0	0	24,553,427	0	0	24,553,427
11.	Board of Horseracing (78)											
0	252,743	0	0	0	0	252,743	0	252,249	0	0	0	252,249
12.	Consumer Affairs (79)											
125,029	0	0	0	0	0	125,029	124,991	0	0	0	0	124,991

Fiscal 1998			Fiscal 1999			
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	Proprietary

Total	1,709,171	12,940,924	33,467,333	0	48,117,429	1,702,130	10,840,176	35,042,537	0	47,584,843
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If [committee bill to eliminate the board of passenger tramway safety] is not passed and approved in a form that eliminates the board of passenger tramway safety, the department is appropriated \$43,069 in fiscal year 1998 and \$37,050 in fiscal year 1999 in state special revenue money.

In the event that Senate Bill No. 83 passes, the department will have additional state special revenue fund appropriation authority to charter, examine, and regulate each foreign investment depository that applies to the state during fiscal years 1997, 1998, and 1999.

It is the intent of the legislature that \$2 million from the coal board's fiscal year 1998 appropriation be used for reconstruction of the north 12 miles of highway 314.

The appropriation provided for the weights and measures bureau is contingent upon funds being used to achieve program performance targets as outlined by the legislature in the general appropriations act for the 1999 biennium. The department shall provide semiannual reports to the office of budget and program planning and the legislative fiscal division on progress toward achievement of these performance targets, with explanations for any significant variances.

The proposed program goals and associated performance targets for each year of the 1999 biennium are as follows:

Goal 1: Maximize the testing, inspection, and certification of commercially used scales in Montana.

Performance Measure/Target: Test, inspect, and certify on an annual basis 90% of all licensed commercial scales.

	FY 94	FY 95	(Estimated)	Average
Scales Licensed	6,629	6,756	6,728	6,704
Scales Tested, Inspected, and Certified	5,091	6,431	5,900	5,807
Inspection %	76.80%	95.19%	87.69%	86.62%

Goal 2: Maximize the testing, inspection, and certification of retail and wholesale petroleum pumps and meters and liquid petroleum gas (LPG) meters used throughout Montana.

Performance Measure/Target: Test, inspect, and certify 85% of all licensed retail and wholesale petroleum dispensing pumps or meters and 85% of all liquid petroleum gas meters on an annual basis.

	FY 94	FY 95	FY 96	FY 94-FY 96
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Fiscal 1998				Fiscal 1999			
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	General Fund	State Special Revenue	Federal Special Revenue	Proprietary
Other				Total	Average		
Actual				Estimated	Average		
Pumps and Meters Licensed				11,136	12,527	11,943	
Pumps and Meters Tested, Inspected, and Certified				7,367	10,000	9,748	
Inspection %				66.15%	79.83%	81.62%	
LPG Gas Meters Licensed				515	543	529	
LPG Gas Meters Tested, Inspected, and Certified				538	405	440	
Inspection %				104.47%	74.59%	83.19%	
Goal 3: Maximize the inspection and testing of prepackaged consumer goods offered for sale in Montana.							
Performance Measure/Target: Inspect and test, on an annual basis, a minimum of 500 lots of prepackaged consumer goods to ensure compliance. These will include both standard and random packaged goods. Inspections and tests will be conducted according to nationally recognized statistical standards.							
Goal 4: Maximize the testing for octane content of the various grades of gasoline offered for sale to the general public throughout Montana.							
Performance Measure/Target: Test for octane content a minimum of 300 samples of various grades of gasoline that are offered for sale to the general public on an annual basis statewide.							

TOTAL SECTION C

19,305,886	85,600,803	62,270,289	240,853	73,498	167,491,329	18,949,505	77,182,638	62,779,468	240,615	72,255	159,224,480
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with regard to the following:

- (1) reduction of repeat offenders;
- (2) reduction of crime in the district; and
- (3) use of alternative sentencing to lower costs, as well as the effectiveness of alternative sentencing.

DEPARTMENT OF JUSTICE (4110)

	General Fund	State Special Revenue	Federal Special Revenue	Propri- etary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Propri- etary	Other	Total
1. Legal Services Division (01)												
1,778,299	190,088	44,134		0	0	2,012,521	1,749,484	190,965	44,134	0	0	1,984,583
a. Major Litigation (Restricted/Biennial)												
250,000	0	0	0	0	0	250,000	250,000	0	0	0	0	250,000
b. Special Prosecution (Biennial/OTO)												
0	0	100,000	0	0	0	100,000	0	0	0	0	0	0
2. Gambling Control Division (07)												
462,550	1,731,969	0	0	0	0	2,194,519	469,156	1,756,820	0	0	0	2,225,976
a. Private Audits (Biennial/OTO)												
0	200,000	0	0	0	0	200,000	0	0	0	0	0	0
3. Motor Vehicle Division (12)												
7,340,076	398,303	0	0	0	0	7,738,379	7,139,641	346,496	0	0	0	7,486,137
a. Computer System Study (Biennial)												
50,000	0	0	0	0	0	50,000	0	0	0	0	0	0
4. Highway Patrol Division (13)												
0	15,091,144	719,341	0	0	0	15,810,485	0	15,235,698	754,318	0	0	15,990,016
5. Law Enforcement Services Division (18)												
2,537,711	349,219	1,138,924	0	0	0	4,025,853	2,546,024	338,197	1,158,689	0	0	4,042,910
6. County Attorney Payroll (19)												
1,489,051	0	0	0	0	0	1,489,051	1,528,691	0	0	0	0	1,528,691

	Fiscal 1998					Fiscal 1999						
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
7.	Law Enforcement Academy Division (22)											
	933,336	0	17,000	0	0	950,336	936,530	0	0	0	0	936,530
8.	Central Services Division (28)											
	209,893	255,470	0	9,462	0	474,825	209,585	255,093	0	9,448	0	474,126
	a. Legislative Audit (Restricted/Biennial)											
	21,965	26,957	0	998	0	49,920	0	0	0	0	0	0
9.	Computer Service and Planning Division (29)											
	1,252,246	412,587	0	0	0	1,664,833	1,252,452	412,587	0	0	0	1,665,039
	a. National Crime Information Center -- 2000 (Biennial)											
	0	42,650	0	0	0	42,650	0	42,650	0	0	0	42,650
10.	Extradition and Transportation of Prisoners (30)											
	164,587	0	0	0	0	164,587	162,145	0	0	0	0	162,145
11.	Forensic Science Division (32)											
	1,356,602	256,122	40,149	0	0	1,652,873	1,377,730	256,122	40,149	0	0	1,674,001
Total												

The legislature recommends approval of a budget amendment if additional federal funds are made available for the special prosecutor.

The department is authorized to transfer the retirement contributions provided in 19-6-404 and 61-5-121(1)(a) in fiscal years 1998 and 1999 from the highway patrol retirement clearing account in the state special revenue fund to the Montana highway patrol officers' retirement pension fund. An appropriation must be established each year in the amount required to be transferred up to the amount of \$700,000.

Revenue from tuition charged for participation in the DARE training program may be used to match federal dollars should they become available for the DARE program.

The department is directed to study the issue of privatization of driver licensing services and report to the 1999 legislature. The department shall negotiate with communities, alternative vendors, and other governmental agencies to achieve cost reductions and improved access to driver's license examination

Fiscal 1998						Fiscal 1999					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total

services for the 1999 biennium. By June 30, 1998, the department must have in place at least one privatized driver's licensing examination station.

The legislature recognizes that the costs associated with litigation in which the legal services division is required to provide representation to the state of Montana may exceed the appropriation provided. In that event, the department will need to request a supplemental appropriation from the 1999 legislature to adequately represent the state.

PUBLIC SERVICE REGULATION (4201)											
1. Public Service Regulation Program (01)											
0	2,169,776	26,250	0	0	2,196,026	0	2,176,524	26,250	0	0	2,202,774
a. Legislative Audit (Restricted/Biennial)											
0	16,095	0	0	0	16,095	0	0	0	0	0	0
b. Professional Services (Biennial)											
0	50,000	0	0	0	50,000	0	50,000	0	0	0	50,000

Total	0	2,235,871	26,250	0	0	2,262,121	0	2,226,524	26,250	0	2,252,774
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DEPARTMENT OF CORRECTIONS (6401)											
1. Administration and Support Services (01)											
9,095,576	1,389	0	42,854	0	9,139,819	9,713,827	1,330	0	43,073	0	9,758,230
a. Legislative Audit (Restricted/Biennial)											
81,422	3,001	0	5,950	0	90,373	0	0	0	0	0	0
b. Corrections Automation Plan (Biennial)											
1,016,264	0	0	0	0	1,016,264	1,016,264	0	0	0	0	1,016,264
2. Community Corrections (02)											
22,693,934	133,422	283,653	0	0	23,111,009	24,630,427	135,385	283,007	0	0	25,048,819
3. Secure Facilities (03)											
35,371,968	1,177,911	222,691	0	0	36,772,570	38,685,826	1,143,235	220,546	0	0	40,049,606

[illegible]

		Fiscal 1998				Fiscal 1999							
		General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
271,079	4,049,304	360,938	720,331	0	5,401,652	261,455	4,053,245	356,419	714,874	0	5,385,993		
a.	Legislative Audit (Restricted/Biennial)												
53	16,836	1,256	2,399	0	20,544	0	0	0	0	0	0	0	0
5.	Human Rights Commission (08)												
437,439	1,920	162,041	0	0	601,400	439,851	2,000	162,917	0	0	604,768		
a.	Legislative Audit (Restricted/Biennial)												
2,186	80	792	0	0	3,058	0	0	0	0	0	0	0	0
6.	Workers' Compensation Court (09)												
0	359,061	0	0	0	359,061	0	370,577	0	0	0	370,577		
a.	Legislative Audit (Restricted/Biennial)												
0	1,147	0	0	0	1,147	0	0	0	0	0	0	0	0

The appropriation provided for the wage and hour unit of the labor standards bureau is contingent upon funds being used to achieve program performance targets as outlined by the legislature in the general appropriations act for the 1999 biennium. The department shall provide semiannual reports to the office of budget and program planning and the legislative fiscal division on progress toward achievement of these performance targets, with explanations for any significant variances.

Goal: The goal of the wage and hour unit is to provide a forum for the prevention and resolution of workplace disputes involving wages and their payment in Montana.

(1) Objective/output measure: For the biennium, wage and hour compliance specialists will improve by 2% each year the percentage of determinations issued within 55 days of the receipt of the wage complaint.

Baseline measures for this objective will be established by the percentage of determinations issued by compliance staff in fiscal year July 1, 1996, to June 30, 1997.

Outcome measure: Fewer complaints from customers about how long it takes to process a claim.

	Fiscal 1998			Fiscal 1999
State	Federal	State	Federal	
Special Revenue	Special Revenue	Special Revenue	Special Revenue	
	Proprietary		Proprietary	
	Total		Total	
General Fund	Other	General Fund	Other	Total

Baseline measures for this outcome will be established by the number of written and verbal complaints received in fiscal year July 1, 1996, to June 30, 1997.

Quality measure: Fewer clerical mistakes on determinations issued and less amended determinations issued.

Baseline measures will be established by the number of amended determinations that were issued in fiscal year July 1, 1996, to June 30, 1997.

(2) Objective/output measure: For fiscal year 1998 and fiscal year 1999, the wage and hour unit will handle 90% of the cases filed in that year without need of an administrative hearing.

Baseline measures for this objective will be established by the percentage of cases requiring an administrative hearing in fiscal year July 1, 1996, to June 30, 1997.

Outcome measure: Fewer verbal and written customer complaints regarding the length of time that a claim can linger without closure.

Baseline measures for this outcome will be established through the number of complaints in fiscal year July 1, 1996, to June 30, 1997.

Quality measure: Determinations issued by compliance specialists more complete and comprehensive to customers.

Baseline measures will be established through a survey of customers when a decision is issued in fiscal year July 1, 1996, to June 30, 1997.

It is legislative intent that the centralized services functions of the department be provided to the department's programs. Because 67% of the department's funding is from federal funds and pursuant to 17-3-111, it is also legislative intent that the rates charged by the centralized functions of the department be the rates agreed upon by the United States department of labor federal negotiator. The rate, as submitted for fiscal year 1998, is 7.73% of the programs' actual personal services costs incurred; and the estimated rate for fiscal year 1999 may not exceed 8.65% of the programs' actual personal services costs incurred.

It is legislative intent that the input/output control operations functions continue to provide the services to department users. Charge per hour to the users must be \$39 an hour or less for the 1999 biennium. This rate must be analyzed throughout the biennium, and particular consideration must be given to the time spent providing this function to the customers and to the cash balance of the fund.

It is legislative intent that the Montana career information system (MCIS) maintain a fee structure to cover the costs of software development and dissemination. The MCIS rates for the 1999 biennium are the rates determined by the state occupational information coordinating council. For fiscal year 1998, the rates are to be no more than \$1,500 for larger schools, with discounts available for smaller schools. If the national software fee to the MCIS increases and if the state occupational information coordinating council reviews the increase and sets new rates, it is legislative intent that the fee increase be concomitant with the national career information system increase.

Fiscal 1998												Fiscal 1999			
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total				
1. Operations Support (01)															
300,334	0	31,101	0	0	331,435	300,472	0	31,203	0	0	331,675				
a. Legislative Audit (Restricted/Biennial)															
7,402	0	0	0	0	7,402	0	0	0	0	0	0				
2. Army National Guard Program (12)															
911,706	25,316	2,681,531	0	0	3,618,553	918,090	49,170	2,717,176	0	0	3,684,436				
a. Legislative Audit (Restricted/Biennial)															
7,204	0	0	0	0	7,204	0	0	0	0	0	0				
b. Paint Maintenance -- State Armories (Restricted/OTO)															
42,750	0	0	0	0	42,750	32,500	0	0	0	0	32,500				
3. Air National Guard Program (13)															
194,712	0	1,612,273	0	0	1,806,985	200,107	0	1,631,785	0	0	1,831,891				
4. Disaster and Emergency Services (21)															
242,944	23,000	1,331,044	0	0	1,596,988	241,095	23,000	1,340,986	0	0	1,605,081				
a. Legislative Audit (Restricted/Biennial)															
1,850	0	12,954	0	0	14,804	0	0	0	0	0	0				
b. Overtime Emergencies (Restricted/OTO)															
10,000	0	0	0	0	10,000	10,000	0	0	0	0	10,000				
5. Veterans' Affairs Program (31)															
609,595	74,073	0	0	0	683,668	611,952	74,083	0	0	0	686,035				
a. Legislative Audit (Restricted/Biennial)															
7,402	0	0	0	0	7,402	0	0	0	0	0	0				
Total															
2,335,899	122,389	5,668,903	0	0	8,127,191	2,314,216	146,253	5,721,149	0	0	8,181,618				

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Fiscal 1998			Fiscal 1999		
General Fund	State Special Revenue	Federal Special Revenue	General Fund	State Special Revenue	Federal Special Revenue
					Proprietary
			Total	Other	Total

The appropriation provided for the Montana air national guard is contingent upon funds being used to achieve program performance targets as outlined by the legislature in the general appropriations act for the 1999 biennium. The department shall provide semiannual reports to the office of budget and program planning and the legislative fiscal division on progress toward achievement of these performance targets, with explanations for any significant variances.

Program Mission Statement: The Montana Air National Guard (ANG) is to ensure ANG facilities can support the unit flying and training program, Governor's call for emergency response, maintain real property facilities, and implement programs which improve the functionality of the installation.

Program Goals:

Goal 1: Provide reliable facilities and utilities to meet readiness requirements and satisfy installation needs.

Performance Measure/Target:

- (1) All outside agency-directed inspections, audits, or staff assistance visits rated satisfactory or higher.
- (a) No mission cancels attributed to facilities or airfield management.

Goal 2: Conduct all activities in compliance with environmental, fire, and safety laws and directives.

Performance Measure/Target:

- (1) No notices of violation of environmental, fire, or safety laws or directives.
- (a) All environmental and safety inspections, assistance visits, and audits rated satisfactory or higher.

Goal 3: Operate, maintain, repair, and construct ANG real property and real property installed equipment to accomplish the mission most economically.

Performance Measure/Target:

- (1) Facility maintenance annual assessments by ANG civil engineering technical services all rated satisfactory or higher.
- (a) Unit repair and maintenance costs to be 1.5% of construction cost.
- (b) Energy conservation programs in place to ensure that utility costs do not exceed design data criteria and facility energy budget.
- (c) Total state share of the federal operating maintenance agreement not to exceed 0.0065% of replacement cost of facilities.

Goal 4: Provide management of contract services, e.g., refuse disposal, pest control, minor construction, design, and grounds maintenance.

Performance Measure/Target:

- (1) Self-assessment of AF Forms 332 to show 100% project completion as estimated to customer.
- (a) Contract services not to exceed 25% of repair and maintenance budget.

Fiscal 1998				Fiscal 1999			
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	General Fund	State Special Revenue	Federal Special Revenue	Proprietary
Total	Other	Total	Other	Total	Other	Total	Other
OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION (3501)							
1. OPI Administration (06)							
3,761,288	387,339	5,805,738	0	0	9,954,364	3,763,192	385,515
a. Education Program Representatives' Salary Adjustment (Restricted)							
28,000	0	0	0	0	28,000	30,000	0
2. Distribution to Public Schools (09)							
10,963,648	1,000,000	0	0	0	11,963,648	11,063,648	1,000,000
a. Timber Harvest for Technology (Restricted)							
1,505,000	0	0	0	0	1,505,000	2,795,000	0
b. K-12 Base Aid (Biennial)							
398,215,083	0	0	0	0	398,215,083	406,093,083	0
c. In-State Treatment (Biennial)							
974,896	0	0	0	0	974,896	974,896	0
d. Adult Basic Education (Biennial)							
250,000	0	0	0	0	250,000	250,000	0
e. Secondary Vocational Education (Biennial)							
650,000	0	0	0	0	650,000	650,000	0
f. Gifted and Talented (Biennial)							
150,000	0	0	0	0	150,000	150,000	0
g. Special Education (Biennial)							
33,420,913	0	0	0	0	33,420,913	33,407,124	0
h. School District Federal Aid (Biennial)							
0	0	65,459,652	0	0	65,459,652	65,459,652	0
i. Unexpended Special Education General Fund (Restricted/OTO)							

E. EDUCATION

OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION (3501)

1. OPI Administration (06)

3,761,288 387,339 5,805,738 0 0 9,954,364 3,763,192 385,515 5,660,120 0 0 9,808,828

a. Education Program Representatives' Salary Adjustment (Restricted)

28,000 0 0 0 0 28,000 30,000 0 0 0 0 30,000

2. Distribution to Public Schools (09)

10,963,648 1,000,000 0 0 0 11,963,648 11,063,648 1,000,000 0 0 12,063,648

a. Timber Harvest for Technology (Restricted)

1,505,000 0 0 0 0 1,505,000 2,795,000 0 0 0 0 2,795,000

b. K-12 Base Aid (Biennial)

398,215,083 0 0 0 0 398,215,083 406,093,083 0 0 0 0 406,093,083

c. In-State Treatment (Biennial)

974,896 0 0 0 0 974,896 974,896 0 0 0 0 974,896

d. Adult Basic Education (Biennial)

250,000 0 0 0 0 250,000 250,000 0 0 0 0 250,000

e. Secondary Vocational Education (Biennial)

650,000 0 0 0 0 650,000 650,000 0 0 0 0 650,000

f. Gifted and Talented (Biennial)

150,000 0 0 0 0 150,000 150,000 0 0 0 0 150,000

g. Special Education (Biennial)

33,420,913 0 0 0 0 33,420,913 33,407,124 0 0 0 0 33,407,124

h. School District Federal Aid (Biennial)

0 0 65,459,652 0 0 65,459,652 65,459,652 0 0 0 0 65,459,652

i. Unexpended Special Education General Fund (Restricted/OTO)

	Fiscal 1998					Fiscal 1999						
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
100,000	0	0	0	0	0	100,000	0	0	0	0	0	0

100,000	0	0	0	0	0	100,000	0	0	0	0	0	0
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Total

450,018,828	1,387,339	71,265,390	0	0	0	522,671,556	459,176,943	1,385,515	71,119,772	0	0	531,682,231
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Item 1a is for increases in salaries and benefits paid to office of public instruction education program representatives in the event that a classification review, performed under the direction of the department of administration personnel division, finds that the increases are appropriate.

It is the intent of the legislature that the office of public instruction fill the vocational/technology, trades, and industrial education specialist and vocational/agriculture education specialist positions at a salary above entry level. The legislature has included funding for these positions at a level sufficient to pay the additional salaries for fiscal years 1998 and 1999.

Additionally, it is the intent of the legislature that the office of public instruction have the option of contracting with the departments of agriculture and education within the college of agriculture at Montana state university-Bozeman for the duties and responsibilities of the vocational/agriculture education specialist.

The office of public instruction may distribute amounts required from the appropriation in item 2c to public school districts for the purpose of providing education costs in day-treatment services.

Items 2b-h are biennial appropriations.

Item 2a is for school technology as provided in 20-9-534. The amount expended may not exceed the amount paid into the general fund under the provisions of 20-9-343(3)(a)(ii).

Item 2i is to allow the office of public instruction to expend no more than the unexpended general fund appropriation for special education in fiscal year 1997. Funds in this item may not be included in the base budget for the 2001 biennium.

BOARD OF PUBLIC EDUCATION (5101)

1. Administration (01)

120,121	10,036	0	0	0	0	130,157	120,178	10,036	0	0	0	130,214
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a. Legislative Audit (Restricted/Biennial)

1,507	0	0	0	0	0	1,507	0	0	0	0	0	0
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2. Advisory Council (03)

Fiscal 1998												Fiscal 1999			
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total				
0	164,486	0	0	0	164,486	0	164,506	0	0	0	164,506				
a. Legislative Audit (Restricted/Biennial)															
0	1,506	0	0	0	1,506	0	0	0	0	0	0				
Total															
121,628	176,028	0	0	0	297,656	120,178	174,542	0	0	0	294,720				
SCHOOL FOR THE DEAF AND BLIND (5113)															
1. Administration Program (01)															
220,203	0	0	0	0	220,203	217,867	0	0	0	0	217,867				
a. Legislative Audit (Restricted/Biennial)															
24,960	0	0	0	0	24,960	0	0	0	0	0	0				
2. General Services Program (02)															
278,032	0	0	0	0	278,032	278,910	0	0	0	0	278,910				
3. Student Services (03)															
908,184	0	30,682	0	0	938,866	857,343	0	30,682	0	0	888,025				
4. Education (04)															
1,567,989	220,189	51,374	0	0	1,839,552	1,554,555	220,189	51,374	0	0	1,826,118				
a. Salary Adjustment (Restricted/Biennial)															
73,846	0	0	0	0	73,846	0	0	0	0	0	0				

Item 4a is a biennial appropriation and must be used to make progress in providing salary increases for Montana school for the deaf and blind teachers and specialists based upon a market ratio concept similar to the one adopted for classified state employees.

		Fiscal 1998					Fiscal 1999						
		General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
1.	Promotion of the Arts (01)												
	169,912	116,978	0	0	0	0	286,890	168,932	120,241	0	0	0	289,173
a.	Legislative Audit (Restricted/Biennial)												
	17,214	0	0	0	0	0	17,214	0	0	0	0	0	0
b.	Federal Funds (Biennial)												
	0	0	436,900	0	0	0	436,900	0	0	436,900	0	0	436,900
c.	Federal Grant Match (Restricted)												
	50,000	0	0	0	0	0	50,000	50,000	0	0	0	0	50,000
Total		237,126	116,978	436,900	0	0	791,004	218,932	120,241	436,900	0	0	776,073
All funds in item 1b are biennial appropriations.													
The \$50,000 general fund appropriation each year in item 1c is restricted to the purpose of providing matching funds for federal grants.													
MONTANA STATE LIBRARY COMMISSION (5115)													
1.	State Library Operations (01)												
	1,198,585	174,486	350,084	0	0	0	1,723,155	1,473,264	174,616	410,084	0	0	2,057,964
a.	Legislative Audit (Restricted/Biennial)												
	18,247	0	0	0	0	0	18,247	0	0	0	0	0	0
b.	Coal Severance Tax (OTO)												
	0	33,000	0	0	0	0	33,000	0	0	0	0	0	0
c.	Grants (Biennial)												
	251,138	0	580,000	0	0	0	831,138	0	0	580,000	0	0	580,000
d.	Montana Talking Book Library (Restricted/OTO)												
	71,700	0	0	0	0	0	71,700	0	0	0	0	0	0
2.	Natural Resource Information System (07)												

	Fiscal 1998				Fiscal 1999							
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
a. Performance-Based Budget (Biennial)												
48,795	669,490	220,094	0	0	0	938,379	48,800	561,108	119,655	0	0	729,563

Total	1,588,465	876,976	1,150,178	0	0	3,615,619	1,522,064	735,724	1,109,739	0	0	3,367,527
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Item 1 includes biennial appropriations of \$251,138 in general fund money and \$1,160,000 in federal funds for grants to local libraries.

Item 2a is a biennial appropriation.

Item 2a includes \$500,000 for legislative contract authority, subject to the following provisions:

(1) Legislative contract authority applies only to state special revenue funds received from the Montana university system, federal funds, and private funds.

(2) Legislative contract authority expenditures must be reported on state accounting records. The records must be separate from present law operations.

(3) A report must be submitted by the Montana state library commission to the legislative fiscal division following the end of each fiscal year of the biennium. The report must include a listing of projects with the related amount of expenditures for each project.

The appropriation provided for the natural resources information services program is contingent upon funds being used to achieve program performance targets as outlined by the legislature in the general appropriations act for the 1999 biennium. The department shall provide semiannual reports to the office of budget and program planning and the legislative fiscal division on progress toward achievement of these performance targets, with explanations for any significant variances.

Goal: The natural resources information system (NRIS) works to ensure equitable access to natural resource information for all of Montana's citizens, governments, businesses, and industries by using new and emerging information technologies. Specifically, NRIS personnel will work to improve access to natural resource information by developing state-of-the-art tools to make information easier to use and will work to increase the value of existing natural resource information by facilitating and participating in collaborative information-sharing projects. Objectives of the NRIS are as follows:

Objective 1: Operate the Montana natural heritage program (MTNHP), an inventory of Montana's biological resources that emphasizes rare or endangered plant and animal species and biological communities.

Performance Measure/Target:

Provide timely and effective service to requests for information on Montana's natural heritage. The MTNHP will complete 1,500 requests for information

Fiscal 1998				Fiscal 1999			
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	General Fund	State Special Revenue	Federal Special Revenue	Proprietary
Total				Total			

each year through direct contacts, self-service, and distributed technology means.

<u>FY 96</u>	<u>FY 97 Target</u>	<u>FY 98 Target</u>
1,407	1,500	1,500

Performance Measure/Target:

Continue development and maintenance of the biological and conservation data system* and annually update at least 25% of the records in the four primary data bases, thereby ensuring that the most current and accurate data is provided to requestors. (* - ca. 30 data bases, 2,000 fields, 25,000 to 27,000 records)

<u>FY 96</u>	<u>FY 97 Target</u>	<u>FY 98 Target</u>
6,010	6,500	6,500

Objective 2: Operate the Montana water information system (WIS) and the NRIS geographic information systems (GIS). The WIS is the starting point for locating water resources information in Montana, such as data on surface water, ground water, water quality, riparian areas, water rights, climate data, etc. The GIS provides technical and data acquisition assistance for statewide GIS projects and to agencies developing in-house GIS capability. The NRIS inventories available GIS data and coordinates GIS data standards and the sharing of this information throughout the state.

Performance Measure/Target:

Provide timely and effective response to requests for information and services related to Montana's natural resources. The NRIS will fill 1,821 requests for natural resource information and services each year through direct contacts, self-service, and distributed technology means.

<u>FY 96</u>	<u>FY 97 Target</u>	<u>FY 98 Target</u>
1,735	1,821	1,821

Performance Measure/Target:

The NRIS will improve delivery of natural resource information by providing at least 60 data bases accessible via the internet. Additionally, the NRIS will further improve delivery by creating tools to allow users to retrieve the data as well as use the data online to create information products.

<u>FY 96</u>	<u>FY 97 Target</u>	<u>FY 98 Target</u>
7	30	30

MONTANA HISTORICAL SOCIETY (5117)

1. Administration Program (01)

580,266	181,361	52,516	9,907	0	824,050	583,301	170,795	52,626	5,408	0	812,130
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		Fiscal 1998				Fiscal 1999							
		General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
	a.	Legislative Audit (Restricted/Biennial)											
	21,036	0	0	0	0	0	21,036	0	0	0	0	0	0
2.	Library Program (02)												
	497,809	4,523	0	53,910	0	0	556,242	499,342	4,522	0	50,507	0	554,371
3.	Museum Program (03)												
	240,081	18,607	6,627	13,359	0	0	278,674	236,283	18,759	0	13,350	0	268,392
4.	Publications (04)												
	53,399	0	0	676,796	0	0	730,195	53,401	0	0	676,745	0	730,146
	a.	Legislative Audit (Restricted/Biennial)											
	0	0	0	923	0	0	923	0	0	0	0	0	0
5.	Historical Sites Preservation (06)												
	60,675	0	606,768	0	0	0	667,443	61,369	0	607,246	0	0	668,615
	a.	Legislative Audit (Restricted/Biennial)											
	694	0	5,320	0	0	0	6,014	0	0	0	0	0	0

Item 1 includes \$65,494 in fiscal year 1998 and \$65,337 in fiscal year 1999, and item 3 includes \$9,506 in fiscal year 1998 and \$9,663 in fiscal year 1999 of lodging facility use tax granted from the Montana promotion program under the department of commerce. This appropriation is to provide tours of the capitol and the original governor's mansion and rehabilitation of the original governor's mansion.

MONTANA UNIVERSITY SYSTEM (5100)

1. OCHE and Educational Units

89,927,145	116,298,956	9,272,730	0	0	215,498,831	90,998,186	124,583,213	9,380,739	0	224,962,138
a. Legislative Audit (Restricted/Biennial)										
403,927	0	6,885	0	0	410,812	0	0	0	0	0

		Fiscal 1998				Fiscal 1999							
		General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
b. Montana Tuition Assistance Program (Restricted)													
	0	1,866,000	0	0	0	0	1,866,000	0	1,866,000	0	0	0	1,866,000
2. Distance Learning													
	60,000	0	0	0	0	0	60,000	0	0	0	0	0	0
3. Community Colleges													
	4,597,875	0	0	0	0	0	4,597,875	4,597,875	0	0	0	0	4,597,875
a. Legislative Audit (Restricted/Biennial)													
	32,640	0	0	0	0	0	32,640	0	0	0	0	0	0
4. Rural Residency													
	200,000	0	0	0	0	0	200,000	300,000	0	0	0	0	300,000
5. Agricultural Experiment Station													
	8,020,013	0	1,879,473	941,695	0	0	10,841,181	8,242,889	0	1,879,473	936,821	0	11,059,183
6. Montana Extension Service													
	3,381,182	0	2,294,568	0	0	0	5,675,750	3,552,540	0	2,294,568	0	0	5,847,108
7. Forestry and Conservation Experiment Station													
	798,257	0	0	0	0	0	798,257	820,062	0	0	0	0	820,062
8. Bureau of Mines and Geology													
	1,373,472	666,000	0	59,000	0	0	2,098,472	1,398,302	666,000	0	59,000	0	2,123,302
9. Fire Services Training School													
	270,561	0	0	0	0	0	270,561	273,848	0	0	0	0	273,848
a. Legislative Audit (Restricted/Biennial)													
	3,335	0	0	0	0	0	3,335	0	0	0	0	0	0
Total													
	109,068,407	118,830,956	13,453,656	1,000,695	0	0	242,353,714	110,183,702	127,115,213	13,554,780	995,821	0	251,849,516

Fiscal 1998			Fiscal 1999		
General Fund	State Special Revenue	Federal Special Revenue	General Fund	State Special Revenue	Federal Special Revenue
					Proprietary
			Total		Other
					Total

Item 1 is a biennial lump-sum appropriation.

The money and FTE for the school to work program in item 1 are contingent on continued federal funding.

Included in state special revenue appropriations in item 1 is \$16,499,000 in fiscal year 1998 and \$16,800,000 in fiscal year 1999 from revenue generated under the provisions of 20-25-423. Revenue received by the university system under the provisions of 20-25-423 that exceeds \$16,499,000 in fiscal year 1998 and \$16,800,000 in fiscal year 1999 is appropriated to the board of regents, to a maximum of \$35,299,000 for the biennium. If revenue received under the provisions of 20-25-423 is less than \$16,499,000 in fiscal year 1998 and \$16,800,000 in fiscal year 1999, it is the intent of the legislature that the commissioner of higher education reduce the university system expenditures by corresponding amounts.

Item 1 includes \$338,920 in each year of the biennium that must be transferred to the energy conservation program account and used to retire the general obligation bonds sold to fund energy improvement through the state building energy conservation program. The costs of this transfer in each year of the biennium are: university of Montana-Missoula, \$181,660; Montana state university-northern, \$97,000; Montana state university-Billings, \$56,000; and western Montana college of the university of Montana, \$4,260.

Total audit costs are estimated to be \$581,652 for the university system for the biennium. Each unit shall pay a percentage of these costs from funds other than those appropriated in item 1a.

University system units are defined in 17-7-102(17). For all university system units, except the office of the commissioner of higher education, all funds (other than plant funds appropriated in [long-range planning bill] relating to long-range building and current unrestricted operating funds) are appropriated contingent on approval of the comprehensive program budget by the board of regents by October 1 of each year. For all university system units except the community colleges, the agricultural experiment station, the forest and conservation experiment station, the cooperative extension service, the bureau of mines and geology, the fire services training school, and the distance learning and rural physician residency programs, all funds, other than funds appropriated in [long-range planning bill] for long-range building programs, are appropriated as a lump sum for the biennium contingent upon approval of the comprehensive program budget by the board of regents by October 1 of each year. The board of regents shall allocate the appropriations to the individual units according to board policy. The budget must contain detailed revenue and expenditures and anticipated fund balances of current funds, loan funds, endowment funds, and plant funds. After the board of regents approves operating budgets, transfers between units may be made only with the approval of the board of regents. Requests for transfer and related justification must be submitted to the office of budget and program planning and to the legislative fiscal analyst prior to approval by the board of regents. All movement of funds between the current unrestricted subfund and the designated subfund accounts must be clearly identified in the state budgeting and accounting system.

				Fiscal 1998				Fiscal 1999			
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total

All university system units, except the office of the commissioner of higher education, shall account for expenditures consistently within programs and funds across all units and shall use the national center for higher education management systems program classifications structure, along with the college and university business administration (CUBA) system, as a minimum standard for achieving consistency.

The Montana university system, except the office of the commissioner of higher education and the community colleges, shall provide electronically to the office of budget and program planning and to the legislative fiscal analyst: (1) at fiscal yearend, the actual personal services data, which must tie to the actual expenditures as recorded on SBAS; and (2) by November 1 and at fiscal yearend, the budgeted personal services data, which must tie to the operating plan for expenditure of funds appropriated in [this act] and in the pay plan as approved by the board of regents. The personal services data described in subsections (1) and (2) must include but is not limited to the following for each position number: program number, responsibility center, budgeted and actual salary and benefits, fund type, FTE position title and position type, longevity dates and increments, years of service, benefit factors, workers' compensation code, final ending hourly salary (actuals only), class code, and allocation percentage.

The distance learning appropriation of \$60,000 in item 2 is for payment to the western governors' association for development of a virtual university.

The general fund appropriation for the community colleges is the state share, which is 51% of the budget amount per full-time equivalent student, as determined by the legislature for the community colleges in fiscal year 1998 and fiscal year 1999. The total unrestricted budgets for the community colleges must be approved by the board of regents.

Total audit costs are estimated to be \$64,000 for the community colleges for the biennium. The general fund appropriation for each community college provides 51% of the total audit cost. The remaining 49% of these costs must be paid from funds other than those appropriated in item 3a. Audit costs for the biennium may not exceed \$20,000 each for Dawson and Miles community colleges and \$24,000 for Flathead Valley community college.

It is the intent of the legislature that, if Senate Bill No. 21 is passed and approved, the joint committee on postsecondary education policy and budget consider as one of its top study priorities the restructuring and reform within or among the agricultural experiment station, the Montana extension service, the fire services training school, the bureau of mines and geology, and the forestry and conservation experiment station.

TOTAL SECTION E											
565,561,628	121,812,957	87,059,411	1,755,590	0	776,189,585	575,564,191	129,945,500	86,963,119	1,741,831	0	794,214,641

TOTAL STATE FUNDING											
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Fiscal 1998					Fiscal 1999						
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
948,422,792	463,795,455	851,655,831	3,319,506	7,266,720	2,274,460,305	966,475,881	462,358,587	849,628,279	3,284,622	6,978,216	2,288,725,584

17-8-101(6)(b) are as follows:

SECRETARY OF STATE (3201)

1999 Biennium

1. Administrative Rules of Montana Fees

a. Administrative Rules of Montana	\$350.00/set
b. Quarterly updates of ARM	\$250.00/year
c. Extra titles	\$50.00/book
d. Quarterly updates of extra titles	\$50.00/year/title
e. Montana Administrative Register	\$300.00
f. Agency filing fee for pages for Register publication	\$35.00/page

2. Records Management Fees (based on 2-6-203, MCA)

a. 16MM Microfilm Less than 250,000	\$30.00
Nontypical extreme weight & size	\$36.75
8 ½ x 11"; 8 ½ x 14" paperwork	\$25.00
8 ½ x 11"; 11 x 14" computer printout	\$22.05
Extreme size & weight variance	\$27.50
Cards - fixed weight & color	\$15.00
Cards - mixed weight & color	\$25.00
b. 35MM Microfilm L (per 12 x 12") aerial photos	\$65.00
16 x 20" bound books	\$60.00
24 x 34" newspapers	\$110.00
24 x 34" bound newspapers	\$130.00
48 x 48" blueprints/maps	\$275.00
c. 105MM Microfilm 8 ½ x 11" paperwork	\$65.00
8 ½ x 11"; 11 x 14" computer printout	\$73.50
Cards (per 1000)	\$73.50
Minimum filming charge	\$37.50
d. Film Processing 16mm, 100 foot roll	\$3.45

16mm, 215 foot roll	\$6.76
35mm, 100 foot roll	\$6.05
16mm, 3M cartridges	\$4.50
e. Film Inspecting 100 foot roll inspection	\$3.50
215 foot roll inspection	\$4.98
film splicing	\$0.75
3M cartridge loading	\$2.25
f. Duplication 16mm, 100 foot roll	\$6.48
16mm, 215 foot roll	\$12.41
35mm, 100 foot roll	\$8.77
105mm, microfiche or jackets	\$0.15
Reader/printer copies	\$0.50
Photocopies/own labor	\$0.10
Photocopies/our labor	\$0.50
16mm, 100 foot roll	\$9.45
35mm, 100 foot roll	\$13.85
g. Jacket Loading 16mm, 5 channel jacket	\$0.30
Agency's own jacket	\$0.275
35mm, 1 & 2 channel jacket	\$0.30
Loading 16mm aperture card	\$0.25
Jacket title	\$0.25
Jacket notching	\$0.05
h. Miscellaneous Fiche title	\$0.25
Indexing and document prep/hour	\$14.00
Camera rental/day	\$95.00
i. Supplies NMI reader bulbs	\$10.75
16mm, 100 foot roll film	\$6.68
16mm, 215 foot roll film	\$12.95

35mm, 100 foot roll film

\$12.95

j. Records Center Services Storage by

square foot/month	\$0.19
Storage by cubic foot	\$0.2950
Retrievals	\$1.00
Emergency retrievals	\$5.00
Large retrievals, delivery, interfiling	\$16.00
Records disposal/hour	\$16.00
Shredding confidential records/hour	\$21.95

k. Records Center Boxes

Records storage box: standard size A	\$1.34
Drawings & map storage boxes size C	\$1.34

Fiscal Year 1998

Fiscal Year 1999

DEPARTMENT OF JUSTICE (4110)

1. Agency Legal Services (06) (total)

a. Attorney (per hour)	\$62
b. Investigator/Paralegal (per hour)	\$35

DEPARTMENT OF TRANSPORTATION (5401)

1. State Motor Pool (06)

Actual lease/rental rates, normally defined as the rate charged per mile of vehicle usage, could not be precisely calculated by the department due to various factors, including an unanticipated increase in vehicle purchase costs and undetermined costs associated with an internal loan through the board of investments to finance an expanded vehicle fleet. As such, the legislature defined rates as the following:

"The state motor pool may charge rates necessary to establish and maintain a 60-day working capital reserve to operate the program."

2. Equipment Program (06)

The equipment program's rate structure includes both assigned time rates and usage rates for 121 classes of equipment used by the maintenance and construction programs within the department. Due to the enterprise-like nature of this program's operations and the large number of individual rates, the legislature defines rates as the following:

"The equipment program may charge rates necessary to establish and maintain a 60-day working capital reserve to operate the program."

3. Yellowstone Airport (06)

a. Landing Fees, Scheduled Air Carriers	\$0.50/1000 lbs	\$0.50/1000 lbs
b. Landing Fees, 11,000-31,250 lbs	\$25.00	\$25.00
c. Landing Fees >31,250 lbs	\$0.90/1000 lbs	\$0.90/1000 lbs
d. Fuel Flowage Fees (0015)	\$0.06/gallon	\$0.06/gallon
e. Building Leases, Car Rental (per month)	\$1.55/sq. ft	\$1.55/sq. ft
f. Building Leases, FBOs & Tours (per month)	\$1.42725/sq. ft	\$1.42725/sq. ft
g. Building Leases, Airlines (per month)	\$1.8908/sq. ft	\$1.8908/sq. ft
h. Building Leases, U/G Storage (per month)	\$0.03/sq. ft	\$0.03/sq. ft
i. Building Leases, Hangar Ground (per year)	\$0.05/sq. ft	\$0.05/sq. ft
j. Tax Transfer (total)	\$18,000	\$18,000
k. Sales Receipts, Car Rental	10% of gross	10% of gross
l. Sales Receipts, Cafe/Gift Shop	5% of gross	5% of gross
m. Non-Aero Sales, Nevada Testing (per year)	Prior Yr + CPI-U	Prior Yr + CPI-U
n. Non-Aero, City of WYS (per year)	\$9,600	\$9,600
o. Non-Aero, Energy West	Prior Yr + CPI-U	Prior Yr + CPI-U

DEPARTMENT OF ADMINISTRATION (6101)

1. Accounting and Management Support (06)

a. Debt Collection	12% of collections	12% of collections
b. Network Support per Computer	\$547	\$548
c. Programming per Hour	18	18
d. Computer Maintenance per Computer	128	128
e. Mailer Warrants-Postage Paid	0.5431	0.5309
f. Mailer Warrants-No Postage	0.2271	0.2149
g. Nonmailers	0.2050	0.1928
h. External\SRS\Payroll	0.1891	0.1769
i. External\University	0.1836	0.1714
j. Emergency Warrants	3.2047	3.2829
k. Duplicate Warrants	8.6931	8.9169

0.1251

0.1388

1. Direct Deposits

2. General Services Program (06) (per square foot)

\$4.789

\$4.616

a. Office Rental Rate

2.22

2.22

b. Warehouse Rental Rate

3. Professional Development Center

\$45.43/hr

\$44.17/hr

a. Workshops

4. Information Services Division

The rates for the services provided by the information services division (ISD) approved by the legislature are the fiscal year 1996 rates adjusted

by the following percentages:

5%

a. Microfilm Service (COM)

-46%

b. Computer Processing Services

47%

c. Data Network Services

5%

d. Systems Develop Services

6%

e. Operational Support (Data Entry)

0%

f. Misc. Info. Systems (Laser Print)

0%

g. Video Conferences

-27%

h. Telephone Equipment

-10%

i. Long Distance Charge

5. Because certain programs or functions are enterprise-like in nature, must maintain a business approach in their operations, and may have large numbers of individual rates for the various products sold or services provided, for the following programs or functions, the legislature defines "rates and fees" to mean a specific working capital reserve balance.

Program	Amount of Reserve
Publications & Graphics	60-day working capital reserve
Central Stores	60-day working capital reserve
Natural Gas Procurement	break-even (no reserve)
Statewide Fueling Network	60-day working capital reserve
Mail Program	60-day working capital reserve

6. Because the per-unit costs of the services that certain programs and functions provide to agencies of state government are likely to fluctuate or are

otherwise more difficult to estimate than are the total costs of the services to be provided, for the following programs and functions, the legislature defines "rates and fees" to mean the total dollar amount allocated to agencies of state government in the fixed cost or other portion of the agency budget. The following shows the total amount allocated. The allocation to each agency is as included in the agency budgets appropriated in the general appropriation act or in the rate determination for those programs or functions funded with proprietary funds. The allocation for the legal services unit is included exclusively in the Department of Administration.

<u>Program or Function</u>	<u>Total Amount Allocated in Agency Budgets</u>		
Legal Services Unit	Fiscal Year 1998: \$106,601	Fiscal Year 1999: \$109,800	
Deadhead Mail	Fiscal Year 1998: \$157,157	Fiscal Year 1999: \$157,157	
Payroll	Fiscal Year 1998: \$595,182	Fiscal Year 1999: \$611,548	
Risk Management			
a. General Liability	\$3,652,229	\$3,834,842	
b. Auto Liability	1,185,160	1,244,419	
c. Property	1,104,121	1,104,121	
d. Airport/Aircraft	126,254	126,254	
e. All Other Lines	171,118	173,922	

DEPARTMENT OF FISH, WILDLIFE, AND PARKS (5201)

1. Administration and Finance (06) (% markup)

a. Warehouse Overhead	6%	6%
b. Office Supply Overhead	15%	15%

2. Vehicle Account Rates Per Mile

a. Sedans	\$0.19	\$0.20
b. Suburban - 4X4 (New)	0.37	0.37
c. Van 1/2 Ton	0.25	0.26
d. Van 1/2 Ton Window	0.22	0.22
e. Pickup 1/2T 2X4 V8	0.31	0.31
f. Pickup 1/2T 4X4 V8	0.23	0.24
g. Pickup 3/4T 4X4 V8	0.23	0.23
h. Pickup 1/2T 4X4 6 Cyl	0.27	0.28

i. Bronco 4X4 6 Cyl	0.26	0.27	
j. Pickup 1/2T 4X4 Smalls	0.17	0.18	
k. Pickup 3/4T 4X4 HD	0.29	0.31	
l. Pickup 3/4T 4X4 HD XC	0.50	0.57	
m. Pickup 3/4T 4X4 460	0.40	0.41	
n. Pickup 3/4T 4X4 MD	0.26	0.27	
o. Pickup 3/4T 4X4 MD XC	0.32	0.33	
p. Pickup 3/4T 4X4 LD XC	0.31	0.32	
q. 2 Place Sgl Eng-Aircraft (per hour)	49.94	51.98	
r. 4 Place Twin Eng-Aircraft (per hour)	213.76	235.14	
s. 3 Place Rotor Craft (per hour)	121.51	115.43	
t. Turbine Helicopter (per hour)	225.82	248.40	
3. Parks - Capitol Grounds Maintenance	\$0.3446/sq. ft.	\$0.3446/sq. ft.	
4. Duplicating - Number of copies (includes paper)			
a. 1 to 20	\$.040	\$.041	
b. 21 to 100	.025	.026	
c. 101 to 1000	.020	.021	
d. 1001 to 5000	.015	.015	
5. Bindery			
a. Collating Machine (per sheet)	\$.005	\$.005	
b. Stapling Hand (per set)	.015	.015	
c. Saddle Stitch (per set)	.030	.030	
d. Folding (per sheet)	.005	.005	
e. Punching - 3 hole (per sheet)	.001	.001	
f. Cutting (per min)	.550	.550	
6. Reprographics			
a. 10x12	Stripped Neg. \$9.00	Half-tone \$10.00	Stripped Half-tone \$10.00
b. 11x14	10.00	11.00	11.00

7. PMTs	Positive	Halftone	Clear Film
a. 10x12	\$6.50	\$8.00	\$6.50
b. 11x14	7.50	9.00	8.00
8. Metal Plates	\$9.00		

DEPARTMENT OF ENVIRONMENTAL QUALITY (5301) (admin. formula negotiated with fed. govt.)

1. Central Management (06)			19.5%
a. Expenses Against Personal Services		19.5%	19.5%

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION (5706)

1. Air Operations Program (06)			
a. Major Fee "A" Fixed Wing (per hour)	\$85		\$90
b. Major Fee "B" Jet Rangers (per hour)	325		335
c. Major Fee "C" Hueys (per hour)	800		825

DEPARTMENT OF COMMERCE (6501)

1. Professional and Occupational Licensing (06)

a. House Bill No. 2 Programs Recharge Rate	33.68%	33.38%
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2. Local Government Services Bureau (06)

a. Major Fee-Report Filing Fees	Varies from \$0 to \$800, depending upon revenue	
b. Minor Fee-CPA Roster Fee	\$50	\$50
c. Defalcation Audit Revenue (total)	\$65,000	\$65,000
d. LGA Administrators Recharge	1.77%	1.78%

3. Health Facility Authority

a. Fees - Single Project and Private Placement Financing Programs (one borrower):

Loan Amount	Fee
Up to \$1,000,000	0.50% of the principal amount
\$1,000,000 - \$5,000,000	\$5,000 plus 0.25% of the principal amount in excess of \$1 million.
Greater than \$5,000,000	\$15,000 plus 0.1% of the principal in excess of \$5 million

b. Pooled Loan and Master Loan Programs (multiple borrowers):

Up to \$5,000,000	0.625% of the principal amount
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\$5,000,001 - \$10,000,000 \$31,250 plus 0.3125% of the principal amount in excess of \$5 million
 Greater than \$10,000,000 \$46,875 plus 0.125% of the principal amount in excess of \$10 million

c. Annual Fees - All Financing Programs

0.15% of the principal amount of the bonds, notes, or loan amounts outstanding on each anniversary date

4. Housing Division

- a. Reservation Fees Single Family - 1/2 of 1% of loan amount reserved.
- b. Reservation Fees Low-Income Tax Credit Program - 4 1/2% of the tax credit reserved.
- c. Compliance Monitoring Fees LIIC - \$5 per unit
- d. Extension Fees - 1/4 of 1% of loan amount.
- e. Late Fees - 1/2 of 1% of loan amount.
- f. Pre-1980 Single Family Programs - 1 1/2 % spread between mortgage interest rate and bond yield. No limit on investment earnings.
- g. Post-1980 Single Family Programs - 1 1/8% spread between mortgage interest rate and bond yield. Investment earnings limited to bond yield.
- h. Post-1986 Multifamily Programs - 1 1/2% spread between mortgage interest rate and bond yield. Investment earnings limited to bond yield.
- i. Pre-1980 Multifamily Programs - 1 1/2% spread between mortgage interest rate and bond yield. No limit on investment earnings.

5. Board of Investments (06)

For purposes of [this act], the legislature defines "rates" as the total collections necessary to operate the board of investments as follows:

- a. BOI Administration Charge (total) \$1,838,885 \$1,830,000
- b. Bond Fees/Revenue (total) 310,938 307,489

6. Director's Office/Management Services (06)

- a. Federal Programs IDC Rate 9.68% 9.63%
- b. State Programs IDC Rate 9.68% 9.63%

DEPARTMENT OF CORRECTIONS (6401)

1. Montana Corrections Enterprises

- a. Laundry Rate to MSP \$0.37/lb \$0.37/lb

- b. Laundry Rate to MSH 0.36/lb
- c. Laundry Rate to MDC 0.46/lb

DEPARTMENT OF LABOR AND INDUSTRY (6602)

1. Centralized Services Division (06) (totals)

- a. Cost Allocation Plan 7.73% 8.65%

Applied against actual personal services costs incurred

2. Information Services Bureau (06)

- a. Input/Output Function ≤ \$39/hr ≤ \$39/hr

3. Career Information System (06)

- a. User Fees-MCIS License Revenue (total) \$1,500 \$1,500

\$1,500 larger schools - discounts for smaller

OFFICE OF PUBLIC INSTRUCTION (3501)

1. OPI Indirect Cost Pool (06)

- a. Indirect Cost Draws 17% 17%

HOUSE JOURNAL
FIFTY-THIRD LEGISLATIVE DAY - MARCH 11, 1997

And, as amended, do pass. Report adopted.

BUSINESS & LABOR (Simon, Chairman):
SB 41, be concurred in. Report adopted.

3/10/97

SB 61, be amended as follows:

1. Title, line 6.

Following: "ESTABLISHMENTS;"

Strike: the remainder of line 6

2. Title, lines 11 and 12.

Following: "~~FEES~~;" on line 11

Strike: the remainder of line 11 through "FEES;" on line 12

3. Title, line 14.

Strike: "50-2-116,"

4. Page 1, line 28.

Following: "dates;"

Insert: "and"

5. Page 1, line 30.

Strike: subsection (3) in its entirety

Renumber: subsequent subsection

6. Page 2, line 7 through line 24 on page 3.

Strike: section 1 in its entirety

Renumber: subsequent sections

7. Page 8, line 3.

Strike: line 3 in its entirety

Renumber: subsequent subsections

8. Page 8, lines 7 through 9.

Strike: "FIVE" on line 7

Insert: "three"

Following: "LEVELS"

Strike: "1" through "LEVEL 5" on line 9

Insert: ". The fee for the establishment risk level 1 may not exceed \$35. The fee for the establishment risk level 2 may not exceed \$65. The fee for the establishment risk level 3 may not exceed \$100"

9. Page 9, line 11.

Following: "collect"

Strike: "a fee of \$60 or"

10. Page 9, line 13.

Strike: "FIVE"

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Insert: "three"

11. Page 10, line 12 through line 17 on page 11.

Strike: section 7 in its entirety

Renumber: subsequent sections

12. Page 14, lines 20 through 22.

Strike: section 8 in its entirety

Renumber: subsequent section

13. Page 14, line 27.

Strike: "Sections" through "8"

Insert: "Section 2"

14. Page 14, line 29.

Strike: "2 and 4"

Insert: "1 and 3"

Strike: "7"

Insert: "5"

And, as amended, be concurred in. Report adopted.

SB 66, be concurred in. Report adopted.

SB 309, be concurred in. Report adopted.

EDUCATION (Ellis, Chairman):

3/10/97

SB 240, be concurred in. Report adopted.

SB 198, be concurred in. Report adopted.

3/11/97

SB 285, be concurred in. Report adopted.

SB 370, be concurred in. Report adopted.

JUDICIARY (Clark, Chairman):

3/10/97

SB 79, be amended as follows:

1. Title, line 6.

Strike: "AND"

2. Title, line 7.

Following: "ACT"

Insert: "; PROVIDING FOR A REPORT TO THE 1999 REGULAR SESSION OF THE LEGISLATURE; AND
PROVIDING A TERMINATION DATE"

3. Page 2, line 15.

Strike: "OR"

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4. Page 2, line 17.

Strike: "."

Insert: "; or"

5. Page 2, line 18.

Following: line 17

Insert: "(c) a person on behalf of an educational, charitable, or religious institution, when done in conjunction with an attorney licensed to practice law in this state."

6. Page 8, line 29.

Insert: "NEW SECTION. Section 16. Report to legislature. The state auditor shall, as provided in 5-11-210, report to the 1999 regular session of the legislature on the implementation of [sections 1 through 15]. The report must include a detailed record of the types of complaints received, a summary of any fines imposed and received, and any other actions taken to enforce compliance with [sections 1 through 15]."

Renumber: subsequent section

7. Page 9, line 2.

Insert: "NEW SECTION. Section 18. Termination. [This act] terminates October 1, 1999."

And, as amended, be concurred in. Report adopted.

SB 138, be concurred in. Report adopted.

SB 141, be concurred in. Report adopted.

SB 142, be concurred in. Report adopted.

SB 145, be concurred in. Report adopted.

SB 31, be concurred in. Report adopted.

3/11/97

SB 158, be concurred in. Report adopted.

SB 160, be amended as follows:

1. Page 1, lines 22 and 23.

Following: "risk" on line 22

Insert: "and the judge is satisfied that the petitioner is not attempting to avoid debt or to hide a criminal record"

Following: the first "THE" on line 22

Strike: remainder of line 22 through the second "ON" on line 23

Insert: "request to proceed on a sealed-record basis must be set forth in"

2. Page 1, line 25.

Following: "INSPECTION"

Insert: "unless the judge denies the request to proceed on a sealed-record basis"

And, as amended, be concurred in. Report adopted.

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SB 163, be concurred in. Report adopted.

SB 205, be concurred in. Report adopted.

NATURAL RESOURCES (Knox, Chairman):

3/11/97

SB 108, be amended as follows:

1. Page 6, line 28.

Strike: "in whole or"

2. Page 7, line 21.

Strike: "in whole or"

3. Page 8, line 14.

Strike: "in whole or"

And, as amended, be concurred in. Report adopted.

SB 175, be concurred in. Report adopted.

SB 223, be concurred in. Report adopted.

SELECT CORRECTIONS (Bergsagel, Chairman):

3/10/97

HB 100, introduced bill, be amended as follows:

1. Page 2, line 12.

Following: "~~and~~"

Insert: "is guilty of a felony offense and"

2. Page 2, line 13.

Strike: "1 year"

Insert: "13 months"

3. Page 3, lines 8 and 9.

Following: "(e)"

Strike: the remainder of line 8 through "program." on line 9

4. Page 3, line 10.

Following: "which the"

Insert: "initial"

Following: "served,"

Insert: "or the court shall sentence the person to the department of corrections for placement in an appropriate correctional institution or program,"

5. Page 3, line 11.

Following: "specified"

Insert: "by the court"

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6. Page 3, line 16.

Following: "center"

Insert: ";(vi) a state-approved public or private treatment facility"

7. Page 3.

Following: line 19

Insert: "(g) Following initial placement of a defendant in a facility set forth in subsection (4)(e), the department of corrections may, at its discretion, place the offender in another facility or program."

8. Page 6, line 2.

Following: "~~and~~"

Insert: "is guilty of a felony offense and"

9. Page 6, line 3.

Strike: "1 year"

Insert: "13 months"

10. Page 6, lines 28 and 29.

Following: "(e)"

Strike: the remainder of line 28 through "program." on line 29

11. Page 6, line 30.

Following: "which the"

Insert: "initial"

Following: "served."

Insert: "or the court shall sentence the person to the department of corrections for placement in an appropriate correctional institution or program,"

12. Page 7, line 1

Following: "specified"

Insert: "by the court"

13. Page 7.

Following: line 9

Insert: "(g) Following initial placement of a defendant in a facility set forth in subsection (4)(e), the department of corrections may, at its discretion, place the offender in another facility or program."

And, as amended, do pass. Report adopted.

HB 102, introduced bill, be amended as follows:

1. Page 2, line 26.

Strike: "must"

Insert: "should"

2. Page 3, lines 1 and 2.

Following: "(h)" on line 1

Strike: remainder of line 1 through "Montana" on line 2

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Insert: "Sentencing practices must emphasize restitution by the offender to the victim"

And, as amended, do pass. Report adopted.

HB 125, introduced bill, be amended as follows:

1. Page 1, line 15.

Following: "relating to"

Insert: "the future building or expanding of new"

2. Page 1.

Following: line 22

Insert: "The rules are not intended to address plans that have been approved by a community for a new or expanded prerelease facility on [the effective date of this act]."

3. Page 9, line 15.

Strike: "department of corrections"

Insert: "supervising authority"

4. Page 9, line 16.

Strike: "department"

Insert: "supervising authority"

5. Page 12, line 22.

Following: "."

Insert: "Prior to entering into a contract for a period of 10 years, the department shall submit the proposed contract to the legislative audit committee. The legislative audit division shall review the contract and make recommendations or comments to the legislative audit committee. The committee may make recommendations or comments to the department. The department shall respond to the committee, accepting or rejecting the committee recommendations or comments prior to entering into the contract."

6. Page 19.

Following: line 1

Insert: "NEW SECTION. Section 16. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act]."

And, as amended, do pass. Report adopted.

HB 208, introduced bill, be amended as follows:

1. Title, line 7.

Following: ";

Insert: "PROVIDING THAT A PERSON UNABLE TO PAY A FINE MAY BE SENTENCED TO COMMUNITY SERVICE;"

2. Page 2, line 24.

Following: " _ "

Insert: "If the court determines that the person is unable to pay the fine, the court may sentence the person to

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supervised community service."

3. Page 3, line 15.

Strike: "No"

Insert: "Except upon written findings of extenuating and mitigating circumstances by the judge, no"

4. Page 3, line 19.

Following: "suspended"

Insert: "except upon written findings of extenuating and mitigating circumstances by the judge"

5. Page 3, line 26.

Strike: "No"

Insert: "Except upon written findings of extenuating and mitigating circumstances by the judge, no"

6. Page 4, line 15.

Strike: "No"

Insert: "Except upon written findings of extenuating and mitigating circumstances by the judge, no"

7. Page 6, line 8.

Following: line 7

Insert: "(11) If the court determines that a person is unable to pay a fine imposed pursuant to this section, the court may sentence the person to supervised community service."

8. Page 6, line 13.

Strike: "No"

Insert: "Except upon written findings of extenuating and mitigating circumstances by the judge, no"

9. Page 6, line 16.

Strike: "No"

Insert: "Except upon written findings of extenuating and mitigating circumstances by the judge, no"

10. Page 6, line 19.

Strike: "No"

Insert: "Except upon written findings of extenuating and mitigating circumstances by the judge, no"

11. Page 7, line 4.

Strike: "No"

Insert: "Except upon written findings of extenuating and mitigating circumstances by the judge, no"

12. Page 8, line 11.

Following: line 10

Insert: "(12) If the court determines that a person is unable to pay a fine imposed pursuant to this section, the court may sentence the person to supervised community service."

And, as amended, do pass. Report adopted.

HB 405, introduced bill, be amended as follows:

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1. Title, line 5.

Strike: "NONVIOLENT"

Insert: "FELONY"

2. Page 1, line 9.

Strike: "nonviolent"

Insert: "felony"

3. Page 1, line 11.

Strike: "Nonviolent"

Insert: "Felony"

4. Page 1, line 12.

Strike: "two"

Insert: "four"

5. Page 1, line 13.

Following: "provide"

Insert: ": (a)"

6. Page 1, line 14.

Strike: "not"

Strike: "violent"

Following: "accountable,"

Insert: "provides for restitution to victims,"

7. Page 1, line 17.

Following: "society"

Insert: "; and (b) an increased level of supervision for probation and parole offenders who have violated the terms of their supervision"

8. Page 1, lines 25 through 28.

Following: "." on line 25

Strike: remainder of line 25 through "." on line 28

9. Page 2, line 2.

Strike: "not"

Strike: "violent"

10. Page 2, line 3.

Strike: "46-18-1001"

Insert: "45-2-101"

11. Page 2, line 4.

Insert: "(6) "Sponsor" means a person, named by the offender, with whom the offender lives and who agrees to abide by the requirements imposed on members of an immediate family."

12. Page 2, lines 7 and 8.

Strike: subsection (2) in its entirety

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Renumber: subsequent subsections

13. Page 2, line 9.

Following: "(3)"

Insert: "(a)"

14. Page 2, line 11.

Strike: "(a)"

Insert: "(i)"

15. Page 2, line 12.

Strike: "(b)"

Insert: "(ii)"

16. Page 2, line 13.

Strike: subsection (c) in its entirety

17. Page 2, line 14.

Strike: "(d)"

Insert: "(iii)"

18. Page 2, line 15.

Strike: "(e)"

Insert: "(iv)"

19. Page 2, line 16.

Following: line 15

Insert: "(b) The team required in subsection (2)(a) may include a victim."

20. Page 2, lines 23 and 24.

Following: "conviction" on line 23

Strike: remainder of line 23 through "violent" on line 24

Insert: "of a"

Strike: ", as defined in 46-18-1001,"

21. Page 2, line 27.

Following: "program."

Insert: "Application may also be made during revocation proceedings of an offender's probation or parole."

22. Page 2, line 28.

Following: line 27

Insert: "(2) After a report of violation has been written on a probationer or parolee, if the determination is that the offender needs closer supervision than standard probation and parole supervision can provide but that it is not necessary to incarcerate, then the probation and parole officer or the offender's counsel may make application to the court for participation in the community supervised release program."

Renumber: subsequent subsection

23. Page 2, line 30 through page 3, line 1.

Following: "of" on line 30

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Strike: "an"

Insert: "a felony"

Following: "offense" on line 30

Strike: remainder of line 30 through "46-18-1001" on page 3, line 1

24. Page 3, line 3.

Following: "offender"

Insert: "or that the offender needs closer supervision than regular probation and parole standards but that incarceration may not be necessary"

25. Page 3, line 4.

Strike: "an" through "requirements"

Insert: "the probation or parole violation report prepared by the probation and parole officer must indicate the need for closer supervision but must indicate that incarceration may not be necessary"

26. Page 3, line 8.

Following: "family"

Insert: "or the sponsor"

27. Page 3, line 18.

Following: "sentence"

Insert: "or by contract past the duration of the sentence"

28. Page 3, line 26.

Following: "family"

Insert: "or the sponsor"

Strike: "their"

Insert: "the members' or sponsor's"

29. Page 4, line 14.

Following: "contacts"

Insert: "with a probation and parole officer"

Strike: "electronic monitoring,"

30. Page 4, lines 16 and 17.

Following: "(b)" on line 16

Strike: remainder of line 16 through "." on line 17

31. Page 4, line 19.

Strike: "and"

Insert: "or preparing the report of violation for the"

32. Page 4, lines 28 and 29.

Strike: subsection (a) in its entirety

Renumber: subsequent subsections

33. Page 5, line 6.

Strike: "an extension of the 24-hour-a-day"

Strike: "beyond the initial 3 months"

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34. Page 5, line 7.

Following: line 6

Insert: "(b) day reporting or transitional living at a prerelease center;"

Renumber: subsequent subsections

35. Page 5, line 23.

Strike: "meet to"

Insert: "help the probation and parole officer"

36. Page 5, line 27.

Following: "investigation

Insert: "or prepared the report of violation"

Strike: "include"

Insert: "attach"

37. Page 5, line 28.

Following: "report"

Insert: "or report of violation"

38. Page 5, line 29.

Strike: "or defer"

39. Page 5, line 30.

Strike: "and"

Insert: "or"

40. Page 6, lines 8 and 9.

Strike: line 8 through "equipment"

Insert: "a probation and parole officer to be the lead in the supervision of the offenders participating in the program provided for in [sections 1 through 8]"

41. Page 6, line 10.

Strike: the first "The" through "."

42. Page 6, lines 14 and 15.

Strike: subsection (3) in its entirety

Renumber: subsequent subsections

43. Page 6, line 21.

Strike: "nonviolent"

44. Page 6, line 23.

Strike: "court-supervised"

Insert: "department-supervised"

45. Page 6, line 24.

Strike: "nonviolent"

Insert: "youth"

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And, as amended, do pass. Report adopted.

HB 559, introduced bill, be amended as follows:

1. Page 6, line 19.

Following: "]"

Insert: "[section 13]"

2. Page 7, line 19.

Following: "]"

Insert: "[section 13]"

3. Page 7, line 27.

Following: "]"

Insert: "[section 13]"

4. Page 10, line 13.

Following: "punished"

Insert: "["

5. Page 10, line 14.

Following: "\$10,000"

Insert: "]" [as provided in section 13]"

6. Page 15, line 11.

Following: "61-8-722"

Insert: "[and section 13]"

7. Page 17, line 16.

Following: "(2)"

Insert: "[Except as provided in section 13]"

8. Page 17, line 26.

Following: "61-8-722"

Insert: "[or section 13]"

9. Page 18, line 1.

Following: "instruction."

Insert: "(1)"

10. Page 18, line 4.

Insert: "(2) If [sections 13 and 14] are effective, then they are intended to be codified as an integral part of Title 61, chapter 8, part 7, and the provisions of Title 61, chapter 7, part 8, apply to [sections 13 and 14].

NEW SECTION. Section 13. Coordination. (1)(a) If House Bill No. 100 and [this act] are both passed and approved, then House Bill No. 100 is void, the bracketed references to "section 13" in [this act] are effective, the bracketed phrase referring to the term of imprisonment and a fine for a fourth conviction in 61-8-714 is void, and a new section 13 is added to [this act] that reads:

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"NEW SECTION. Section 13. Driving under influence of alcohol or drugs -- driving with excessive alcohol concentration -- penalty for fourth or subsequent offense. (1)(a) On the fourth or subsequent conviction under 61-8-714 or 61-8-722 for a violation of 61-8-401 or 61-8-406, the person shall be punished by imprisonment for a term of not less than 6 months or more than 13 months and by a fine of not less than \$1,000 [\$1,500] or more than \$10,000. The imposition or execution of the imprisonment sentence imposed for a fourth or subsequent offense may not be suspended. The person is not eligible for parole.

(b) The court shall:

(i) specify one of the following facilities as the place in which the initial term of imprisonment must be served:

(A) a state prison;

(B) a regional correctional facility;

(C) a county jail;

(D) a boot camp, provided the prior approval of the department of corrections has been obtained;

(E) a prerelease center, provided the prior approval of the department of corrections has been obtained; or

(F) a state-approved public or private treatment facility; or

(ii) sentence the person to the department of corrections for placement in an appropriate correctional institution or program.

(c) Following initial placement of a defendant in the facility specified by the court in accordance with subsection (1)(b)(i), the department of corrections may, at its discretion, place the offender in another facility or program.

(2)(a) After serving the term of imprisonment imposed under subsection (1)(a), the person shall serve a supervised release term of not less than 1 year or more than 2 years. The release must be supervised by the department of corrections, which may order all or any portion of the supervised release term to be served under intensive supervision. The provisions of Title 46, chapter 23, part 10, relating to probation, apply to the supervised release.

(b) The sentencing judge may impose upon the defendant any reasonable restrictions or conditions during the period of supervised release. Reasonable restrictions or conditions may include:

(i) conditions for supervised release;

(ii) payment of a fine as provided in 46-18-231;

(iii) payment of costs as provided in 46-18-232 and 46-18-233;

(iv) payment of costs of court-appointed counsel as provided in 46-8-113;

(v) community service;

(vi) any other reasonable restrictions or conditions considered necessary for rehabilitation or for the protection of society; or

(vii) any combination of the restrictions or conditions listed in subsections (2)(b)(i) through (2)(b)(vi).

(c) If a violation of the restrictions or conditions of the supervised release is established, the court may continue the period of supervised release or may require the defendant to serve the remainder of the supervised release sentence in one of the facilities set forth in subsection (1)(b). The court may credit the remainder of the supervised release or the time to be served in a facility set forth in subsection (1)(b) with all or part of the time already served on supervised release.

(3) The court shall order a person who is financially able to pay the costs of imprisonment and supervised release under this section and of the information course and treatment under [section 9]."

(b) If House Bill No. 100 and [this act] are not passed and approved, then the bracketed references to "section 13" in [this act] are void.

(2) If House Bill No. 208 and [this act] are both passed and approved, then the bracketed amount in [section 13] of [this act] is effective and a new section 14 is added to [this act] that reads:

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"NEW SECTION. Section 14. Driving under influence of alcohol or drugs -- driving with excessive alcohol concentration -- no suspension of fines -- community service as payment. (1) Except upon written findings of extenuating and mitigating circumstances by the court, no fine imposed under 61-8-714, 61-8-722, or [section 13] against a defendant convicted of a violation of 61-8-401 or 61-8-406 may be suspended.

(2) If the court determines that the person is unable to pay the fine, the court may sentence the person to supervised community service."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

HB 83, introduced bill, be amended as follows:

3/11/97

1. Title, line 6.

Following: "FACILITIES;"

Insert: "SPECIFYING THE DEPARTMENT OF CORRECTIONS DUTIES AND RESPONSIBILITIES; SPECIFYING THE DUTIES NOT DELEGABLE TO A CONTRACTOR; SPECIFYING THE REQUIREMENTS OF REQUESTS FOR PROPOSALS; SPECIFYING CERTAIN REQUIREMENTS OF CONTRACTS; SPECIFYING CONTRACTOR RESPONSIBILITY FOR CERTAIN COSTS; PROVIDING FOR LICENSURE OF FACILITIES; SPECIFYING ACTION BY THE DEPARTMENT FOR CONTRACTOR FAILURE TO COMPLY WITH LAW OR TO RENEW CONTRACT;"

Following: "DATE"

Insert: "AND AN APPLICABILITY DATE"

2. Page 1, line 23.

Strike: "5"

Insert: "13"

3. Page 1, line 30.

Strike: "(1)"

4. Page 2, line 2.

Following: "department."

Insert: "A license is nontransferable."

5. Page 2, lines 3 and 4.

Strike: subsection (2) in its entirety

6. Page 2.

Following: line 4

Insert: "NEW SECTION. Section 4. Department duties and responsibilities -- rulemaking authority. (1)(a) The department shall adopt rules that require the private correctional facility to be an accredited correctional facility or to achieve accreditation within 3 years from the date that the facility begins operation.

(b) The rules must provide for review and approval of facility design and construction by the department of administration.

(2) The department shall at least annually inspect each private correctional facility to determine compliance with [sections 1 through 13], regulations, contract requirements, and department rules.

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(3) The department shall present a biennial report of compliance inspections to the legislature.

NEW SECTION. Section 5. Requirements of request for proposals. (1) The request for proposals must include and identify the services requested and required and other information, including but not limited to:

- (a) the physical plant, facility, and perimeter;
 - (i) the facility capacity and inmate population, including classification levels accepted;
 - (ii) inmate housing; and
 - (iii) security, safety, and emergency procedures.
 - (b) who is responsible for transportation of inmates:
 - (i) among facilities;
 - (ii) upon an inmate's release, including discharge or parole;
 - (iii) for court and administrative proceedings such as parole hearings and inmate participation as a witness;
 - (iv) for medical transportation; and
 - (v) security.
 - (c) administration of the facility, including but not limited to:
 - (i) the organizational structure and staffing; and
 - (ii) a policy and procedures manual addressing:
 - (A) inmate discipline;
 - (B) incident reporting;
 - (C) grievance procedures;
 - (D) searches;
 - (E) drug testing;
 - (F) monitoring of facility standards; and
 - (G) the retention and maintenance of inmate and facility records by the private correctional facility.
 - (d) staffing issues regarding:
 - (i) management;
 - (ii) security;
 - (iii) administrative personnel;
 - (iv) qualifications and requirements;
 - (v) training;
 - (vi) staff to inmate ratios;
 - (e) inmate needs such as food, clothing, sanitation, hygiene, and laundry;
 - (f) programs and services to be required such as vocational and educational training, religious services or customs, counseling, recreation, and canteen;
 - (g) medical, dental, optical, pharmaceutical, psychological, and other medical-related care;
 - (h) insurance requirements;
 - (i) indemnification;
 - (j) performance bonds;
 - (k) a requirement that proposers provide evidence or documentation demonstrating an ability to provide the services; to comply with acceptable services; and to comply with the rules, regulations, and contract requirements;
 - (l) a requirement that proposers provide documentation of financial stability or security; and
 - (m) monitoring of facility operations.
- (2) The department may release separate requests for proposals or contracts for specific services such as transportation of inmates and medical, dental, vision, and sick call services. Each contract must include a detailed explanation of the services that must be provided.
- (3) The department shall maintain a list of qualified applicants and all proposal responses. The department shall retain all records related to the evaluation process and the awarding of a contract."

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Renumber: subsequent sections

7. Page 2, line 6.

Strike: "-- rules"

Strike: "(a)"

8. Page 2, line 8.

Strike: "5"

Insert: "13"

9. Page 2, lines 9 through 12.

Strike: subsection (b) in its entirety

Insert: "(2) The department may grant a temporary license for 1 year to a facility that loses accreditation if the department determines that the facility is making satisfactory progress toward substantial conformity with [sections 1 through 13], American correctional association guidelines, department rules, and contract requirements and that the interests and well-being of the residents of the state and of the persons to be confined in the facility are protected. A temporary license may not be renewed.

(3) Except as provided in subsection (2), the department may not grant a license unless the contractor conforms to all state and federal statutes, American correctional association guidelines, department rules, and other requirements as defined in administrative rule."

10. Page 2, line 13.

Strike: "(c)"

Insert: "(4) Upon request of the legislative audit committee, the legislative audit division shall review each contract prior to execution to determine if the contract addresses legislative intent and includes the requirements imposed by [sections 1 through 13]. The legislative audit division shall provide their findings to the department."

11. Page 2, line 14.

Following: "state."

Insert: "The department shall take into consideration the legislative audit division findings in its determination."

12. Page 2, line 15.

Strike: "(d)"

Insert: "(5)"

13. Page 2.

Following: line 17

Insert: "(6) The department may not grant a license to a private correctional facility unless the facility provides clear evidence of support from the residents of the county in which the facility is to be located.

(7) The department may not grant a license to a private correctional facility unless the facility has promulgated a policy to provide reasonable access to the facility by representatives of the public media.

(8) The department may not grant a license to a private correctional facility unless the facility has entered into an agreement with local and state law enforcement authorities. The private correctional facility must demonstrate an adequate response for the mutual aid, assistance, and notification in the event of an escape, natural or human-caused disaster, riot, or other act that may potentially affect public safety.

(9) The department may not grant a license to a private correctional facility unless the legislature has appropriated funds for the housing of state inmates in private correctional facilities."

Renumber: subsequent subsections

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14. Page 2, lines 18 through 21.

Strike: subsection (2) in its entirety

Renumber: subsequent subsection

15. Page 2, line 23.

Strike: "5"

Insert: "13"

16. Page 2.

Following: line 23

Insert: "NEW SECTION. Section 7. Licensure limitations -- siting of private correctional facilities. (1) The department may not grant a license to a private correctional facility located within 2 miles of a public or nonpublic school, not including a home school. However, if a public or nonpublic school is established after a facility has been approved, the department may not prevent the private correctional facility from operating because of this subsection (1).

(2) The department may not grant a license to a private correctional facility unless there has been a public hearing in the county in which the private correctional facility is to be located and unless the county commissioners approve the location of the private correctional facility by a majority vote.

(3) If the siting of a private correctional facility is proposed within 10 miles of an adjacent county or if the department determines that there are reasonable expectations that the siting may have an impact on an adjacent county, the department may not grant a license to a private correctional facility unless there has been a public hearing in the adjacent county and unless the county commissioners of the adjacent county approve the location of the private correctional facility by a majority vote.

NEW SECTION. Section 8. Licensure limitations -- construction requirements. (1) The department may not grant a license to a private correctional facility unless the design meets long-term correctional needs, goals, and objectives as determined by the department.

(2) The department may not grant a license to a private correctional facility unless the facility is constructed in accordance with American correctional association facility construction requirements. In addition, the private correctional facility must comply with any other local, state, or federal laws or regulations.

(3) The department may not grant a license unless the department and the department of administration have reviewed and approved the design and construction of the private correctional facility.

NEW SECTION. Section 9. Contracts with private correctional facilities. (1) A contract with a private correctional facility must be awarded to the contractor who best meets the needs of the state and the department and demonstrates the capability of providing services requested.

(2) A contract must specify the type and level of services to be provided by the contractor. The department shall place requirements in the contract that require the private contractor to allow the department to review and approve:

(a) choose the correctional facility to which an inmate is initially or subsequently assigned. A contractor may request the department to transfer an inmate to a state facility or to another private facility.

(b) develop or adopt disciplinary rules that differ from the disciplinary rules, penalties, and policies of the department;

(c) make a decision that affects the sentence imposed on an inmate or the time served by an inmate;

(d) make recommendations to the board of pardons and parole with respect to the denial or granting of parole or release, except to submit reports to the board of pardons and parole and to respond to requests by the department or the board of pardons and parole;

(e) develop or implement requirements that inmates engage in any type of work, except to the extent that

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those requirements are accepted by the department;

- (f) determine inmate eligibility for any form of release from a correctional facility; or
- (g) develop or use a classification system other than the classification system used by the department.
- (3) Contracts may not exceed a term of 30 years and must contain provisions for renegotiation after 30 years. The provisions of 18-3-104 and 18-4-313 that limit the term of a contract do not apply to a contract authorized by this section.
- (4) The contract must specify that the private correctional facility shall grant access to the legislative audit division or a person contracting with the legislative audit division for compliance auditing. The contractor shall provide access to all areas of the facility and to all records maintained onsite or offsite that pertain to all aspects of the facility, including but not limited to operation, financial, and inmate records.

NEW SECTION. Section 10. Contractor costs responsibility. (1) The private correctional facility is responsible for all monitoring costs incurred by the state.

- (2) The contractor is responsible for costs incurred by the state or any political subdivision for legal costs relating to escapes, riots or disturbances, or other natural or human-caused events that occur at the facility.
- (3) The contractor is responsible for all reasonable costs and expenses incurred by the state or a political subdivision brought by or on behalf of an inmate while an inmate is incarcerated at a private correctional facility.

NEW SECTION. Section 11. Qualifications of correctional officers. (1) Correctional officers may not be employed if previously convicted of a felony offense.

- (2) A correctional officer may not carry a firearm or other weapon in the performance of the correctional officer's duties unless the correctional officer has completed a department-approved weapons training course or is in compliance with standards developed or adopted by the department.

NEW SECTION. Section 12. Restrictions on inmate movements. An inmate may not leave the secure premises of a private correctional facility except to comply with a court order, to receive medical care that is not available at the private correctional facility, or as part of a work program without the express written approval of the department. Any movement of an inmate outside of the secure premises of the private correctional facility must be in compliance with approved policies and procedures established by the department."

Renumber: subsequent sections

17. Page 2, line 25.

Following: "department."

Insert: "(1) A contractor shall remain in strict compliance with [sections 1 through 13], established American correctional association guidelines, department rules, and contract requirements.

(2)"

18. Page 2, line 26.

Strike: "5"

Insert: "13"

19. Page 2, line 28.

Following: "within a"

Strike: "reasonable"

Insert: "specified"

20. Page 2, line 29.

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Following: the first "time"
Insert: "not to exceed 1 year"

21. Page 3, line 1.
Strike: "5"
Insert: "13"

22. Page 3, line 3.
Insert: "(3) If a private correctional facility fails to comply with [sections 1 through 13], department rules, or contract requirements within the specified time period, the state may assume control of the facility for the purpose of protecting the inmates, facility staff, or the public. If the state assumes control of the facility, the department shall suspend payment for any services, and the department assumes the costs of assuming control.
(4) The department may assume emergency control of a private correctional facility if substantial violations exist that affect the life, health, or safety of the inmates, facility employees, or the public or that otherwise substantially impact the security of the private correctional facility.
(5) In the event that a contractor fails to comply with [sections 1 through 13], department rule, or contract requirements, the state may retain the option of purchasing or leasing the facility.
(6) If either the state or the contractor fails to renew a contract, the state may retain the option of purchasing or leasing the facility.
(7) If the state retains the option of purchasing or leasing the facility under subsections (5) and (6) of this section, because it requires the creation of state debt, the appropriation bill that funds the purchase of services from the facility must be treated in the same manner as a bill creating state debt and requires a vote of two-thirds of the members of each house of the legislature for passage."

23. Page 3, line 4.
Strike: "5"
Insert: "13"

24. Page 3.
Following: line 5
Insert: "NEW SECTION. Section 15. Applicability. (1) [This act] applies to proceedings begun or contracts renewed on or after [the effective date of this act].
(2) [Section 7] does not apply to a private correctional facility that has been established or proposed prior to [the effective date of this act]."
Renumber: subsequent section

And, as amended, do pass. Report adopted.

HB 136, introduced bill, be amended as follows:

1. Title, lines 5 and 6.
Strike: "ESTABLISHING" on line 5 through "ACT;" on line 6

2. Title, line 7.
Following: line 6
Insert: "CORRECTIONAL"
Strike: "BOARD OF INVESTMENTS"

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Insert: "MONTANA HEALTH FACILITY AUTHORITY"

3. Title, line 8.

Following: " ; "

Insert: "AMENDING SECTIONS 90-7-102, 90-7-103, 90-7-104, 90-7-111, 90-7-202, 90-7-204, 90-7-211, 90-7-213, 90-7-214, 90-7-303, 90-7-304, 90-7-305, 90-7-307, AND 90-7-317, MCA;"

4. Page 1, lines 10 through 14.

Strike: lines 10 through 14 in their entirety

5. Page 1, line 18 through page 14, line 21.

Strike: everything after the enacting clause

Insert: "Section 6. Section 90-7-102, MCA, is amended to read:

"90-7-102. Definitions. As used in this chapter, unless the context requires otherwise, the following definitions apply:

(1) "Authority" means the Montana health facility authority created in 2-15-1815.

(2) "Capital reserve account" means the account established in 90-7-317.

(3) "Costs" means costs allowed under 90-7-103.

(4) ~~"Health facility"~~ "Facility" means any health care facility or prerelease center provided for in 90-7-104.

(5) ~~"Health institution"~~ "Institution" means any public or private:

(a) nonprofit hospital, corporation, or other organization authorized to provide or operate a health facility in this state; or

(b) prerelease center, corporation, or other organization authorized to operate a prerelease center in this state.

(6) "Participating ~~health~~ institution" means a health institution or prerelease center that undertakes the financing, refunding, or refinancing of obligations on the construction or acquisition of a ~~health~~ facility pursuant to the provisions of this chapter.

(7) "Revenues" means, with respect to facilities, the rents, fees, charges, interest, principal repayments, and other income received or to be received by the authority from any source on account of ~~such~~ the facilities."

Section 7. Section 90-7-103, MCA, is amended to read:

"90-7-103. Allowable costs. Costs eligible for financing or refinancing under this chapter include:

(1) the total of all reasonable or necessary costs incidental to the acquisition, construction, reconstruction, repair, alteration, equipment, enlargement, and improvement of an eligible ~~health~~ facility and the acquisition of all real and personal property interests necessary or useful in connection with the facility and all other undertakings ~~which~~ that the authority considers reasonable or necessary for the development of the facility;

(2) the cost of demolishing or removing any building or structure on land so acquired, the cost of acquiring any land to which ~~such~~ the building or structure may be moved, the cost of all machinery and equipment, financing charges, interest prior to and during construction and, if judged advisable by the authority, for a period after completion of ~~such~~ construction, and the cost of financing the facility, including interest on bonds and notes issued by the authority to finance the facility;

(3) reserves for principal and interest and for extensions, enlargements, additions, and improvements, including without limitation the cost of studies and surveys;

(4) the costs for land title and mortgage guaranty policies;

(5) the costs of plans, specifications, and architectural and engineering services;

(6) the costs of legal, organization, marketing, or other special services;

(7) the costs of financing, acquisition, demolition, construction, equipment, and site development of new

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and rehabilitated buildings;

(8) the costs of rehabilitation, reconstruction, repair, or remodeling of existing buildings; and

(9) all other expenses necessary and incidental to the construction and acquisition of the facility, the financing of ~~such~~ construction, and the acquisition and placing of the facility into operation."

Section 8. Section 90-7-104, MCA, is amended to read:

"90-7-104. Eligible ~~health~~ facility. (1) Eligible ~~health~~ facility means any structure or building used as a hospital, clinic, nursing home, or other health care facility as defined in 50-5-101; center for persons with developmental disabilities; center for the handicapped; chemical dependency treatment center; nursing school; medical teaching facility; laboratory; dental care facility; prerelease center; or other structure or facility related to any of the foregoing or required or useful for the operation of a ~~health~~ facility. These related facilities include supporting service structures and all necessary, useful, and related equipment, furnishings, and appurtenances and include without limitation the acquisition, preparation, and development of all lands and real and personal property necessary or convenient as a site for any of the foregoing.

(2) An eligible ~~health~~ facility does not include such items as food, fuel, supplies, or other items that are customarily considered as current operating expenses; and an eligible ~~health~~ facility does not include a structure used or to be used primarily for sectarian instruction or study or as a place for devotional activities or religious worship."

Section 9. Section 90-7-111, MCA, is amended to read:

"90-7-111. Credit of state not pledged -- statement on obligation required. (1) Obligations issued under the provisions of this chapter do not constitute a debt, liability, obligation, or pledge of the faith and credit of the state but are payable solely from the revenues or assets of the ~~health~~ institution being financed.

(2) An obligation issued under this chapter must contain on the face ~~thereof~~ of the obligation a statement to the effect that the state of Montana is not liable on the obligation, the obligation is not a debt of the state, and neither the faith and credit nor the taxing power of the state is pledged to the payment of the principal of or the interest on the obligation."

Section 10. Section 90-7-202, MCA, is amended to read:

90-7-202. Powers of authority. The authority may:

(1) sue and be sued;

(2) have a seal;

(3) adopt all procedural and substantive rules necessary for the administration of this chapter;

(4) issue bonds or incur other debt as described in this chapter, including the issuance of notes or refunding bonds;

(5) invest any funds obtained from the issuance of bonds and notes ~~which~~ that are not required for immediate use, subject to any agreements with its bondholders and noteholders, as provided in Title 17, chapter 6, except that all investment income from funds invested by the authority, less the cost for investment, must be deposited in an enterprise fund to the credit of the authority;

(6) contract in its own name for the investment of funds, borrowing of funds, or any other purposes it considers appropriate to carry out the purposes of this chapter;

(7) participate with any financial institution in the purchase or guarantee of any loan or obligation;

(8) issue bond anticipation notes or any other anticipatory financial obligations to secure funding of eligible facilities;

(9) enter into agreements or make advance commitments to insure repayments required by loan agreements made by a lender. ~~Such~~ The agreements are subject to terms and conditions established by the authority.

(10) sell, purchase, or insure loans to finance the costs of eligible facilities;

(11) accept gifts, grants, or loans from a federal agency, an agency or instrumentality of the state, a municipality, or any other source;

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- (12) enter into contracts or other transactions with a federal agency, an agency or instrumentality of the state, a municipality, a private organization, or any other entity consistent with the exercise of any power under this chapter;
- (13) with regard to property:
- (a) acquire real or personal property or any right, interest, or easement ~~therein~~ in the property by gift, purchase, transfer, foreclosure, lease, or otherwise;
 - (b) hold, sell, assign, lease, encumber, mortgage, or otherwise dispose ~~thereof~~ of property;
 - (c) hold, sell, assign, or otherwise dispose of any mortgage or loan owned by it or in its control or custody;
 - (d) release or relinquish any right, title, claim, interest, easement, or demand, however acquired, including any equity or right of redemption;
 - (e) make any disposition by public or private sale, with or without public bidding;
 - (f) commence any action to protect or enforce any right conferred upon it by any law, mortgage, contract, or other agreement;
 - (g) bid for and purchase property at any foreclosure or other sale or acquire or take possession of it in lieu of foreclosure; and
 - (h) operate, manage, lease, dispose of, and otherwise deal with ~~such~~ property in any manner necessary or desirable to protect its interests or the holders of its bonds or notes if ~~such~~ the action is consistent with any agreement with ~~such~~ the holders;
- (14) service, contract, and pay for the servicing of loans;
- (15) provide general technical services in the analysis, planning, design, processing, construction, rehabilitation, and management of eligible ~~health~~ facilities whenever considered appropriate;
- (16) consent, whenever it considers necessary or desirable in fulfilling its purposes, to the modification of the rate of interest, time, or payment of any installment of principal, interest, or security or any other term of any contract, lease agreement, loan agreement, mortgage, mortgage loan, mortgage loan commitment, construction loan, advance contract, or agreement of any kind, subject to any agreement with bondholders and noteholders;
- (17) collect reasonable interest, fees, and charges from participating institutions in connection with making and servicing its lease agreements, loan agreements, mortgage loans, notes, bonds, commitments, and other evidences of indebtedness. The interest, fees, and charges ~~shall~~ must be deposited to an enterprise fund to the credit of the authority. Interest, fees, and charges are limited to the amounts required to pay the costs of the authority, including operating and administrative expenses and reasonable allowances for losses that may be incurred.
- (18) perform any other acts necessary and convenient to carry out the purposes of this chapter."

Section 11. Section 90-7-204, MCA, is amended to read:

"90-7-204. Agent of the authority. The authority may designate a participating ~~health~~ institution as its agent for determining the location and character of an eligible ~~health~~ facility undertaken by that institution under the provisions of this chapter. As agent, the institution may acquire, construct, reconstruct, renovate, replace, improve, maintain, repair, operate, lease, as lessee or lessor, and enter into contracts for any and all such purposes, including contracts for the management and operation of the facility."

Section 12. Section 90-7-211, MCA, is amended to read:

"90-7-211. Necessary expenses -- fees. (1) All expenses of the authority incurred in carrying out the provisions of this chapter are payable solely from funds provided under the authority of this chapter, and ~~no~~ liability may not be incurred by the authority beyond the extent to which money has been provided under this chapter, except for the purposes of meeting the necessary expenses of initial organization and operation and until ~~such~~ the date as ~~that~~ the authority derives money from funds provided under this chapter. The authority may borrow money for necessary expenses of organization and operation. ~~Such~~ The

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borrowed money must be repaid within a reasonable time after the authority receives funds provided for under this chapter.

(2) When an application is made to the authority by any participating ~~health~~ institution for financial assistance to provide for its facilities, the application may be accompanied by an initial planning service fee in an amount determined by the authority. ~~Such~~ The initial planning service fee may be included in the cost of the facilities to be financed and is not refundable by the authority, whether or not any application is approved. In addition to the initial fee, an annual planning service fee may be paid to the authority by each participating ~~health~~ institution in an amount determined by the authority. The annual planning service fee may be paid on ~~such~~ dates or in installments as may be satisfactory to the authority. The fees must be used for:

(a) necessary expenses to determine the need for facilities in the area concerned, and to that end the authority may utilize recognized voluntary and official health planning organizations and agencies at local, regional, and state levels;

(b) necessary administrative expenses; and

(c) reserves for anticipated future expenses.

(3) The authority may, for a negotiated fee, retain the services of any other public or private person, firm, partnership, association, or corporation for the furnishing of services and data for use by the authority in determining the need for and location of any eligible ~~health~~ facility for which application is being made or for ~~such~~ other services or surveys as that the authority considers necessary to carry out the purposes of this chapter."

Section 13. Section 90-7-213, MCA, is amended to read:

"90-7-213. Loan limitation. ~~No~~ A loan made by the authority may not exceed the total cost of the eligible ~~health~~ facility being financed as ~~such cost is~~ determined by the participating institution and approved by the authority."

Section 14. Section 90-7-214, MCA, is amended to read:

"90-7-214. Restriction on operating facility -- leases. (1) The authority may not operate an eligible ~~health~~ facility as a business other than as a lessee or lessor. The lease must provide for rentals adequate to pay the principal and interest due on bonds and to create and maintain ~~such~~ reserves and accounts for depreciation as the authority determines necessary.

(2) The lease may contain terms and conditions that the authority considers proper. The lease may be terminated upon failure of the participating ~~health~~ institution to comply with any obligation under the lease. The lease may include a renewal or an option to purchase provision upon ~~such~~ terms or conditions as the authority considers desirable.

(3) Upon payment of all indebtedness incurred by the authority for financing a facility, the authority may convey any or all of the facility to the lessee, with or without consideration."

Section 15. Section 90-7-303, MCA, is amended to read:

"90-7-303. Procedure for issuance of bonds. (1) The authority may not undertake to finance any eligible ~~health~~ facility unless, prior to the issuance of any bonds or notes, the members find that ~~such the~~ facility will be operated by a health institution for the purpose of fulfilling its obligation to provide health care facilities or by a prerelease center for purpose of preparing persons to reenter society.

(2) The authority may not allow the proceeds of any bonds or notes to be expended for any health care facility unless ~~such the~~ facility has been reviewed and approved by the appropriate regional and state health planning boards and has received any approval required by Title 50, chapter 5, part 3.

(3) The authority may not allow the proceeds of any bonds or notes to be expended for any facility until it has been shown that ~~such the~~ facility is financially feasible and that there will be sufficient revenues to ~~assure~~ ensure that principal and interest payments are made when they become due.

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(4) The authority may not allow the proceeds of any bonds or notes to be expended for any facility until it has considered the ability of the ~~health~~ institution to operate ~~such a~~ the facility based on the ~~health~~ institution's experience and expertise.

(5) The authority ~~must insure~~ shall ensure that its financings consistently provide fair and realistic terms and covenants sufficient to protect the position of the lenders or bondholders."

Section 16. Section 90-7-304, MCA, is amended to read:

"90-7-304. Security of bondholders. (1) The payment of the principal of and interest on any bonds issued under this chapter must be secured by a pledge of the revenues out of which ~~such~~ the bonds are made payable.

(2) The principal of and interest on any bonds issued under the authority of this part may be secured by:

(a) a mortgage covering all or any part of the participating ~~health~~ institution;

(b) a pledge of the lease or loan agreement relating to ~~such~~ the facility; or

(c) ~~such other~~ another security device ~~as may be that is~~ considered most advantageous by the authority.

(3) The proceedings under which the bonds are authorized to be issued under the provisions of this chapter and any mortgage given to secure the ~~same~~ bonds, including a mortgage given by the borrower or lessee, may contain any agreements and provisions customarily contained in instruments securing bonds, as the authority considers advisable. ~~Such~~ The provisions may not be in conflict with the provisions of this chapter, including without limitation provisions relating to:

(a) fixing and collection of rents or payments under any lease or loan agreement concerning the facility covered by ~~such~~ the proceedings or mortgage;

(b) terms to be incorporated in the lease or loan agreement;

(c) maintenance and insurance of ~~such~~ the facility;

(d) creation and maintenance of special funds from the revenues of ~~such~~ the facility; and

(e) rights and remedies available in the event of a default to the bondholders or to the trustee under a mortgage.

(4) The proceedings authorizing any bonds under the provisions of this chapter and any mortgage, including a mortgage given by the lessee or borrower, securing ~~such~~ bonds may provide that in the event of a default in the payment of the principal of or the interest on ~~such~~ the bonds or in the performance of any agreement contained in ~~such~~ the proceedings or mortgage, ~~such~~ the payment and performance may be enforced by mandamus or by the appointment of a receiver in equity with power to charge and collect rents and to apply the revenues from the project in accordance with ~~such~~ the proceedings or the provisions of ~~such~~ the mortgage.

(5) Any mortgage made by the authority, lessee, or borrower to secure these bonds may provide that, in the event of a default in the payment ~~thereof of the bonds~~ or the violation of any agreement contained in the mortgage, the mortgage may be foreclosed and the project sold under proceedings in equity or in any other manner permitted by law. The mortgage may also provide that any trustee under the mortgage or the holder of any of the bonds secured ~~thereby by the mortgage~~ may become the purchaser at any foreclosure sale if ~~he the trustee~~ is the highest bidder ~~therefor~~. ~~No A breach of any such an agreement may not~~ impose any pecuniary liability upon the authority."

Section 17. Section 90-7-305, MCA, is amended to read:

"90-7-305. Trust agreement to secure bonds. In the discretion of the authority, any bonds issued under this chapter may be secured by a trust agreement between the authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company in Montana. The trust agreement or the resolution providing for the issuance of ~~such~~ bonds may pledge or assign the revenues to be received or proceeds of any contract or contracts pledged and may convey or mortgage the project or any portion ~~thereof of the project~~. The trust agreement or resolution providing for the issuance of ~~such~~ bonds may contain ~~such~~ provisions for protecting and enforcing the rights and remedies of the bondholders as may be

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reasonable and proper and not in violation of law, including particularly ~~such~~ provisions ~~as that~~ have been specifically authorized to be included in any resolution of the authority authorizing bonds. Any bank or trust company incorporated under the laws of this state, which may act as depository of the proceeds of bonds or of revenues or other money, may furnish ~~such~~ indemnifying bonds or pledge ~~such~~ securities as may be required by the authority. ~~Any such~~ A trust agreement may set forth the rights and remedies of the bondholders and of the trustee or trustees and may restrict the individual right of action by bondholders. In addition, ~~any such~~ a trust agreement or resolution may contain ~~such~~ other provisions ~~as that~~ the authority may consider reasonable and proper for the security of the bondholders. All expenses incurred in carrying out ~~such~~ the trust agreement or resolution may be treated as a part of the cost of the operation of an eligible ~~health~~ facility."

Section 18. Section 90-7-307, MCA, is amended to read:

"90-7-307. Conveyance of title ~~to health institution~~. When the principal and interest on bonds issued by the authority to finance the cost of eligible ~~health~~ facilities or to refinance outstanding indebtedness of one or more participating ~~health~~ institutions, including any refunding bonds issued to refund and refinance ~~such~~ bonds, have been fully paid and retired or when adequate provision has been made to fully pay and retire the ~~same bonds~~ and all other conditions of the resolution, lease, trust indenture, and mortgage or deed of trust or any other form of security arrangement, if any, authorizing and securing the ~~same bonds~~ have been satisfied and the lien of the mortgage or deed of trust or any other form of security arrangement has been released in accordance with the provisions ~~thereof of the security arrangement~~, the authority shall promptly convey its interest in the facilities and any other facilities mortgaged or subject to deed of trust or any other form of security arrangement to secure the bonds to the participating ~~health~~ institution or institutions."

Section 19. Section 90-7-317, MCA, is amended to read:

"90-7-317. Capital reserve account. (1) There is a capital reserve account in the enterprise fund provided for in 90-7-202(17).

(2) The authority shall deposit into the capital reserve account:

- (a) funds from state appropriations received for deposit into the account, as provided in 90-7-319, for bonds issued to finance capital projects for community health facilities that contract with the state to provide health care services, ~~or bonds issued to finance the facilities described in 90-7-220 and 90-7-221, or bonds used to finance prerelease centers that contract with the state;~~
- (b) proceeds from the sale of bonds or notes to the extent provided in the resolutions or indentures of the authority authorizing their issuance;
- (c) revenue from fees and charges imposed by the authority;
- (d) income from the investment of funds belonging to the authority; and
- (e) any other funds that may be available to the authority for the purpose of the account from any other source, including loans authorized under 90-7-320."

NEW SECTION. Section 20. Procedure prior to financing projects. In addition to meeting the other requirements contained in this chapter or in state or federal law, the following requirements must be met before financing is finalized and provided for a prerelease center:

- (1) A contract must be approved by the authority and executed by the department of corrections and the institution.
- (2) The department of corrections, the institution, and any other third parties involved in the financing are required to execute, covenant, deliver, and assign as necessary all documents, representations, assignments, collateral, and any other conditions that the authority or its agents, underwriters, or attorneys may reasonably determine to be necessary to adequately protect the authority, the department of corrections, and the state from default, financial loss, or other harm and to provide an opportunity to lower borrowing costs.

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- (3) The prerelease center project must be determined to be in the public interest and to be consistent with the legislative policies governing the provision of the services.
- (4) The applicant shall submit a statement indicating that contracts to construct the prerelease center project will require all contractors to comply with Title 18, chapter 2, part 4.
- (5) Adequate provision must be made in the loan agreement, lease, or other credit arrangement regarding a prerelease center project to provide for the payment of debt service on the bonds issued to finance the project, to create and maintain reserves for payment of the debt service, and to meet all costs and expenses of issuing and servicing the bonds.

NEW SECTION. Section 21. Public hearing. The department of corrections, when seeking funding under this chapter, shall hold a public hearing to determine whether or not the proposed project is in the public interest. The decision regarding public interest is determined by the department of corrections, not the authority. Notice of the public hearing must be published in a newspaper of general circulation in the community where the prerelease center would be located. Notice must be given at least once a week for 2 weeks prior to the date of the public hearing. The notice must include the time and place of the hearing, the general nature of the prerelease center project, the name of the borrower or user of the project, the estimated cost of the project, and the maximum amount of financing assistance to be provided under this chapter. A determination by the department of corrections that a prerelease center project is in the public interest does not require that it be financed under this chapter.

NEW SECTION. Section 17. Additional reserves, funds, and accounts. The authority may in its discretion establish additional reserves or other funds or accounts necessary, desirable, or convenient to further the accomplishment of the purposes of this chapter or to comply with the provisions of its resolution or agreements.

NEW SECTION. Section 18. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

NEW SECTION. Section 19. Codification instruction. [Sections 15 through 17] are intended to be codified as an integral part of Title 90, chapter 7, and the provisions of Title 90, chapter 7, apply to [sections 15 through 17].

NEW SECTION. Section 20. Effective date. [This act] is effective July 1, 1997."

And, as amended, do pass. Report adopted.

HB 544, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "NONPROFIT"

2. Title, lines 6 through 8.

Following: ";" on line 6

Strike: remainder of line 6 through ";" on line 8

Strike: "NONPROFIT"

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3. Page 1, line 18.

Following: line 17

Insert: "(1) "Corporation" means an entity organized and existing pursuant to Title 35, chapter 1 or 2, and approved or designated by a local governmental entity."

Renumber: subsequent subsections

4. Page 1, lines 27 and 28.

Strike: subsection (5) in its entirety

Renumber: subsequent subsections

5. Page 2, line 1.

Strike: "nonprofit"

6. Page 2, line 2.

Strike: "nonprofit"

7. Page 2, line 7.

Strike: "nonprofit"

8. Page 2, line 10.

Strike: "nonprofit"

9. Page 2, line 11.

Strike: "nonprofit"

10. Page 2, line 13.

Strike: "nonprofit"

11. Page 2, line 19.

Strike: "nonprofit"

12. Page 2, line 22.

Strike: "nonprofit"

13. Page 3, lines 3 through 9.

Strike: subsection (7) in its entirety

Renumber: subsequent subsection

14. Page 3, line 12.

Strike: "nonprofit"

15. Page 3, line 18.

Strike: "nonprofit"

16. Page 3, line 25.

Strike: "nonprofit"

17. Page 3, line 27.

Following: "."

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Insert: "The rules must require that a corporation respond to a request for proposals prepared by the department for a regional correctional facility before a contract may be entered with that corporation."

18. Page 4, line 1.

Strike: "nonprofit"

19. Page 4, line 3.

Strike: "nonprofit"

20. Page 4, line 7.

Strike: "nonprofit"

And, as amended, do pass. Report adopted.

SB 2, be amended as follows:

3/10/97

1. Title, line 6.

Strike: "LITTER AND"

2. Title, line 7.

Following: "INSTITUTIONS"

Insert: "; AUTHORIZING THE USE OF INMATE LABOR FOR THE REMOVAL OF LITTER FROM THE PROPERTY OF INSTITUTIONS"

3. Title, line 9.

Following: "53-30-131,"

Insert: "AND"

Strike: "AND 53-30-141,"

4. Page 4, line 3.

Strike: "prison"

Insert: "correctional facility"

5. Page 4, line 23.

Following: "industries"

Insert: "and vocational"

6. Page 5.

Following: line 9

Insert: "(g) provide for the repair and maintenance of property and equipment of institutions by inmates;"

Renumber: subsequent subsections

7. Page 5, line 10.

Strike: "LITTER AND"

8. Page 5, line 11.

Following: "institutions"

Insert: "and the removal of litter from the property of institutions"

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9. Page 6, line 8.

Strike: "commensurate with their production function"

Insert: "in accordance with subsection (5)"

10. Page 6, lines 9 and 10.

Strike: line 9 through "." on line 10

11. Page 6; line 22.

Following: "coverage"

Insert: "for federally certified prison industries programs"

12. Page 7, line 1.

Strike: "the"

Insert: "a"

Strike: "state"

13. Page 7, line 2.

Following: "corrections"

Insert: ", including the manufacture of products or the rendering of services"

14. Page 7, line 5 through line 18.

Strike: section 6 in its entirety

Renumber: subsequent section

And, as amended, be concurred in. Report adopted.

SB 6, be concurred in. Report adopted.

SB 99, be amended as follows:

1. Page 8, line 10.

Strike: "felony"

Insert: "offense that would be a felony if committed by an adult"

2. Page 9, line 4.

Strike: "pleads guilty"

Following: "~~to~~"

Insert: "admits to"

Strike: "found"

3. Page 9, line 5.

Strike: "is convicted of an offense" through "felony"

Insert: "adjudicated to have committed an offense that would be a felony if committed by an adult"

4. Page 9, line 15.

Strike: "is convicted of an offense"

Insert: "admits to or is adjudicated to have committed an offense that would be a felony if committed by an adult"

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5. Page 9, line 17.

Strike: "pleads guilty to"

Insert: "admits to or is adjudicated to have committed"

Strike: "is"

Insert: "would"

Following: "not"

Insert: "be"

6. Page 9, line 18.

Following: "felony"

Insert: "if committed by an adult"

And, as amended, be concurred in. Report adopted.

SB 106, be concurred in. Report adopted.

SB 109, be amended as follows:

1. Title, line 16.

Following: "~~3-5-901,~~"

Insert: "41-5-103,"

2. Title, line 17.

Following: "46-24-212,"

Insert: "52-5-101, 52-5-108, 52-5-109, 52-5-112, 52-5-113,"

3. Title, line 18.

Strike: "53-1-301,"

Strike: "53-30-131, 53-30-132,"

4. Page 3, line 15.

Insert: "Section 2. Section 41-5-103, MCA, is amended to read:

"41-5-103. Definitions. As used in the Montana Youth Court Act, unless the context requires otherwise, the following definitions apply:

(1) "Adult" means an individual who is 18 years of age or older.

(2) "Agency" means any entity of state or local government authorized by law to be responsible for the care or rehabilitation of youth.

(3) "Commit" means to transfer to legal custody.

(4) "Correctional facility" means a public or private residential facility used for the placement of delinquent youth or individuals convicted of criminal offenses.

(5) "Court", when used without further qualification, means the youth court of the district court.

(6) "Custodian" means a person, other than a parent or guardian, to whom legal custody of the youth has been given but does not include a person who has only physical custody.

(7) "Delinquent youth" means a youth:

(a) who has committed an offense that, if committed by an adult, would constitute a criminal offense; or
(b) who, having been placed on probation as a delinquent youth or a youth in need of supervision, violates any condition of probation.

(8) "Department" means the department of corrections provided for in 2-15-2301.

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- (9) "Detention" means the holding or temporary placement of a youth in the youth's home under home arrest or in a facility other than the youth's own home for the purpose of ensuring the continued custody of the youth at any time after the youth is taken into custody and before final disposition of the youth's case.
- (10) "Detention facility" means a physically restricting facility designed to prevent a youth from departing at will. The term includes a youth detention facility, short-term detention center, and regional detention facility.
- (11) "Final disposition" means the implementation of a court order for the disposition or placement of a youth as provided in 41-5-523.
- (12) "Foster home" means a private residence licensed by the department for placement of a youth.
- (13) "Guardianship" means the status created and defined by law between a youth and an adult with the reciprocal rights, duties, and responsibilities.
- (14) "Holdover" means a room, office, building, or other place approved by the board of crime control for the temporary detention and supervision of youth in a physically unrestricting setting for a period not to exceed 24 hours while the youth is awaiting a probable cause hearing, release, or transfer to an appropriate detention or shelter care facility. The term does not include a jail.
- (15) "Jail" means a facility used for the confinement of adults accused or convicted of criminal offenses. The term includes a lockup or other facility used primarily for the temporary confinement of adults after arrest.
- (16) "Judge", when used without further qualification, means the judge of the youth court.
- (17) (a) "Legal custody" means the legal status created by order of a court of competent jurisdiction that gives a person the right and duty to:
- (i) have physical custody of the youth;
 - (ii) determine with whom the youth shall live and for what period;
 - (iii) protect, train, and discipline the youth; and
 - (iv) provide the youth with food, shelter, education, and ordinary medical care.
- (b) An individual granted legal custody of a youth shall personally exercise the individual's rights and duties as guardian unless otherwise authorized by the court entering the order.
- (18) "Necessary parties" includes the youth, the youth's parents, guardian, custodian, or spouse.
- (19) "Parent" means the natural or adoptive parent but does not include a person whose parental rights have been judicially terminated, nor does it include the putative father of an illegitimate youth unless the putative father's paternity is established by an adjudication or by other clear and convincing proof.
- (20) "Probable cause hearing" means the hearing provided for in 41-5-303.
- (21) "Regional detention facility" means a youth detention facility established and maintained by two or more counties, as authorized in 41-5-811.
- (22) "Restitution" means payments in cash to the victim or with services to the victim or the general community when these payments are made pursuant to an informal adjustment, consent decree, or other youth court order.
- (23) "Secure detention facility" means any public or private facility that:
- (a) is used for the temporary placement of youth or individuals accused or convicted of criminal offenses; and
 - (b) is designed to physically restrict the movements and activities of youth or other individuals held in lawful custody of the facility.
- (24) "Serious juvenile offender" means a youth who has committed an offense that would be considered a felony offense if committed by an adult and that is an offense against a person, an offense against property, or an offense involving dangerous drugs.
- (25) "Shelter care" means the temporary substitute care of youth in physically unrestricting facilities.
- (26) "Shelter care facility" means a facility used for the shelter care of youth. The term is limited to the facilities enumerated in 41-5-306(1).

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(27) "Short-term detention center" means a detention facility licensed by the department for the temporary placement or care of youth, for a period not to exceed 96 hours, pending a probable cause hearing, release, or transfer of the youth to an appropriate detention facility or shelter care facility.

(28) "State youth correctional facility" means a residential facility used for the placement and rehabilitation of delinquent youth, such as the Pine Hills ~~school~~ youth correctional facility in Miles City ~~and the Mountain View school in Helena.~~

(29) "Substitute care" means full-time care of youth in a residential setting for the purpose of providing food, shelter, security and safety, guidance, direction, and, if necessary, treatment to youth who are removed from or are without the care and supervision of their parents or guardian.

(30) "Youth" means an individual who is less than 18 years of age without regard to sex or emancipation.

(31) "Youth court" means the court established pursuant to this chapter to hear all proceedings in which a youth is alleged to be a delinquent youth, a youth in need of supervision, or a youth in need of care and includes the youth court judge and probation officers.

(32) "Youth detention facility" means a secure detention facility licensed by the department for the temporary substitute care of youth that:

(a) is operated, administered, and staffed separately and independently of a jail; and

(b) is used exclusively for the lawful detention of alleged or adjudicated delinquent youth.

(33) "Youth in need of care" has the meaning provided for in 41-3-102.

(34) "Youth in need of supervision" means a youth who commits an offense prohibited by law that, if committed by an adult, would not constitute a criminal offense, including but not limited to a youth who:

(a) violates any Montana municipal or state law regarding use of alcoholic beverages by minors;

(b) continues to exhibit behavior beyond the control of the youth's parents, foster parents, physical custodian, or guardian despite the attempt of the youth's parents, foster parents, physical custodian, or guardian to exert all reasonable efforts to mediate, resolve, or control the youth's behavior; or

(c) has committed any of the acts of a delinquent youth but whom the youth court, in its discretion, chooses to regard as a youth in need of supervision."

Renumber: subsequent sections

5. Page 16, line 21.

Insert: "Section 13. Section 52-5-101, MCA, is amended to read:

"52-5-101. Establishment of state youth correctional facilities -- prohibitions. (1) The department of corrections, within the annual or biennial budgetary appropriation, may establish, maintain, and operate facilities to properly diagnose, care for, train, educate, and rehabilitate youth in need of these services. The youth must be 10 years of age or older and under 19 years of age. The facilities include but are not limited to the ~~state youth correctional facilities at the Mountain View school in Helena and the Pine Hills school~~ youth correctional facility in Miles City.

(2) A youth alleged or found to be a youth in need of supervision may not be placed in a state youth correctional facility as defined in 41-5-103."

Section 14. Section 52-5-108, MCA, is amended to read:

"52-5-108. Medical examination before admission -- records required to accompany ~~child~~ youth committed. (1) Before a ~~child~~ youth is admitted for any purpose or for any length of time to the ~~Mountain View school~~, the Pine Hills ~~school~~, youth correctional facility or other facility under an order of commitment to the department of corrections, the ~~child~~ youth must be examined by a licensed physician. A ~~child~~ youth committed to one of the ~~schools~~ state youth correctional facilities or the department must be accompanied by the order of commitment, a medical examination report, an adequate social history, and any school records.

(2) The medical examination required under this section must be a current, complete physical examination of the ~~child~~ youth."

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Section 15. Section 52-5-109, MCA, is amended to read:

"52-5-109. Commitment expenses -- arrangement for transportation. The expenses of committing a child youth to the ~~Mountain View school, the Pine Hills school,~~ youth correctional facility or the department of corrections and transporting the child youth to the ~~Mountain View school, the Pine Hills school,~~ youth correctional facility or the place designated by the department for it to receive custody and the expense of returning the child youth to the county of residence must be borne by the county of residence. The district judge shall arrange for transportation of the child youth to the place where the department has directed that it will receive custody of the child youth."

Section 16. Section 52-5-112, MCA, is amended to read:

"52-5-112. University aid to residents of schools. The department of corrections may, on the recommendation of the superintendent, authorize a resident of ~~the Mountain View school or Pine Hills school~~ a state youth correctional facility who has completed high school and who is otherwise eligible to receive up to \$800 per year toward the resident's expenses incurred in attending a unit of the Montana university system. The money may be used for transportation, clothing, books, board, and room and must be paid in the same manner as other expenses of the school. The board of regents of higher education may waive fees and tuition for these residents pursuant to 20-25-421. No more than eight residents of each ~~school~~ state youth correctional facility may receive these benefits each year. The department shall notify the board of regents before August 1 of each year of the residents that it has designated to receive the benefits for the next school year."

Section 17. Section 52-5-113, MCA, is amended to read:

"52-5-113. Apprehension and return of youth leaving youth correctional facility without permission. A youth who has left a youth correctional facility of the department of corrections without permission may be apprehended and returned by any citizen. The term "youth correctional facility of the department" means any facility under the supervision and control of the department of corrections that has as its primary function the care, training, custody, and control of youth and specifically includes the Pine Hills ~~school for boys and the Mountain View school for girls~~ youth correctional facility."

Renumber: subsequent sections

6. Page 18, line 11.

Following: "youth"

Insert: "and youth in need of supervision"

7. Page 18, line 13.

Strike: "school"

Insert: "youth correctional facility"

Strike: "juvenile"

Insert: "state youth"

8. Page 19, line 4.

Following: "youth"

Insert: "and youth in need of supervision"

9. Page 19, line 6.

Strike: "school"

Insert: "youth correctional facility"

Strike: "juvenile"

Insert: "state youth"

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10. Page 21, line 1 through page 23, line 5.

Strike: section 17 in its entirety

Renumber: subsequent sections

11. Page 25, line 10 through page 26, line 14.

Strike: sections 22 and 23 in their entirety

Renumber: subsequent sections

12. Page 27, line 18.

Insert: "NEW SECTION. Section 30. Code commissioner instruction. Wherever a reference to the "Pine Hills school" is included in legislation enacted by the 55th legislature, the code commissioner is instructed to change the reference to the "Pine Hills youth correctional facility"."

Renumber: subsequent sections

13. Page 27, line 21.

Strike: "15"

Insert: "21"

14. Page 27, line 22.

Strike: "3"

Insert: "4"

And, as amended, be concurred in. Report adopted.

SB 222, be concurred in. Report adopted.

SB 256, be amended as follows:

1. Page 1, lines 19 and 20.

Strike: the first "(a)"

Following: "convicted of" on line 19

Insert: "aggravated"

Strike: "(1)(a), (1)(b), or (1)(c)"

Insert: "(1)"

2. Page 1, line 20.

Following: the first "be"

Insert: "imprisoned in the state prison for a term of not less than 2 years or more than 20 years and may be"

Following: "\$50,000"

Strike: "or" on line 20 through "both" on line 21

Insert: ", except as provided in 46-18-222. A person convicted of felony assault on a peace officer or judicial officer shall be imprisoned in the state prison for a term not to exceed 10 years or be fined not more than \$50,000, or both."

3. Page 1, lines 22 through 24.

Strike: subsection (b) in its entirety

4. Page 1, line 29.

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Strike: "a prisoner"

Insert: "an adult or youth offender"

5. Page 1, line 30 through page 2, line 1.

Strike: subsection (4) in its entirety

And, as amended, be concurred in. Report adopted.

SB 303, be concurred in. Report adopted.

SB 48, be amended as follows:

3/11/97

1. Title, page 1, line 8.

Strike: "PLACEMENTS,"

2. Title, page 1, line 9.

Strike: "FAMILY"

Insert: "CENTERS, YOUTH"

3. Title, page 1, line 10.

Strike: "AND THE FAMILY OF A YOUTH"

4. Title, page 1, line 12.

Strike: "PLACEMENTS"

Insert: "CENTERS"

Following: "TRUANCY",

Insert: "'RUNNING AWAY FROM HOME',"

5. Title, page 1, line 13.

Following: "TERMS;"

Insert: "CHANGING THE TERM "AFTERCARE" TO "PAROLE";"

6. Title, page 1, line 17.

Following: "OFFENSES;"

Insert: "REQUIRING A COUNTY ATTORNEY TO MAKE A MOTION FOR A LEAVE TO FILE AN INFORMATION DIRECTLY INTO DISTRICT COURT FOR A YOUTH 17 YEARS OF AGE WHO COMMITS A TRANSFERABLE OFFENSE;"

7. Title, page 1, line 19.

Strike: "PLACEMENTS"

Insert: "CENTERS"

8. Title, page 1, line 20.

Following: "DISPOSITION;"

Insert: "ALLOWING FINGERPRINTS OR PHOTOGRAPHS OF ANY YOUTH FOR WHICH A PETITION ALLEGING DELINQUENCY HAS BEEN FILED;"

Strike: "PLACEMENT IN"

Following: "ASSESSMENT;"

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Insert: "PROVIDING FOR SPECIFIC INFORMATION GATHERING BY JUVENILE PROBATION OFFICERS;"

9. Title, page 1, line 21.

Following: "STATUTES;"

Insert: "GENERALLY REORGANIZING PARENTAL CONTRIBUTIONS STATUTES; ALLOWING MEDIATION AS A DISPOSITION;"

10. Title, page 1, line 22.

Strike: "AN INFORMAL"

Insert: "A"

11. Title, page 1, line 23.

Following: "EACH"

Insert: "AND FOR THREE OR MORE MISDEMEANORS"

12. Title, page 1, line 24.

Strike: "PARENTS AND GUARDIANS"

Insert: "YOUTH"

13. Title, page 1, line 27.

Following: "ADVISED OF"

Insert: "CERTAIN RIGHTS AND"

Following: "ACT;"

Insert: "CLARIFYING JURY TRIAL PROVISIONS;"

14. Title, page 2, line 1.

Following: "CHILD;"

Insert: "ALLOWING SHELTER CARE FACILITIES TO BE ALTERNATIVE EDUCATION SITES; CLARIFYING THE ABILITY OF SCHOOL DISTRICTS TO SHARE INFORMATION ACCORDING TO FEDERAL LAW; AMENDING THE MAXIMUM AGE OF COMMITMENT TO THE DEPARTMENT OF CORRECTIONS TO YOUTH UNDER 18 YEARS OF AGE; ALLOWING PUBLICATION OF INFORMATION ON CERTAIN YOUTH FOR PURPOSES OF RETURNING A YOUTH TO A FACILITY AND FOR PUBLIC SAFETY; ALLOWING DETENTION FOR YOUTH WHO ESCAPE FROM DEPARTMENT OF CORRECTIONS FACILITIES OR PROGRAMS; AMENDING THE PAROLE VIOLATION HEARINGS AND APPEAL PROCESS;"

15. Title, page 2, line 3.

Following: "41-3-1103,"

Insert: "41-3-1104,"

16. Title, page 2, line 7.

Following: "52-5-101,"

Insert: "52-5-102, 52-5-103, 52-5-107, 52-5-111, 52-5-113, 52-5-126, 52-5-127, 52-5-128, 52-5-129,"

17. Page 9, line 12.

Strike: "placement"

Insert: "center"

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18. Page 9, lines 16, 25, and 28.

Strike: "placements" in three places

Insert: "centers"

19. Page 10, line 24.

Following: line 23

Insert: "Section 9. Section 41-3-1104, MCA, is amended to read:

"41-3-1104. ~~Aftercare~~ Youth facilities. The department of corrections may establish, maintain, and administer youth correctional facilities, evaluation facilities, mental health facilities and services, ~~aftercare~~ parole programs, and ~~aftercare~~ parole facilities for the care, custody, and treatment of youth who have been committed to the department of corrections."

Renumber: subsequent sections

20. Page 12, line 20.

Strike: "representative"

Insert: "administrator or designee"

21. Page 13, line 19 through 23.

Strike: lines 19 through 23

Renumber: subsequent subsections

22. Page 13, line 25.

Strike: "33 through 40"

Insert: "34 through 41"

23. Page 14, line 4.

Following: "semester"

Insert: "or absences without prior written approval of a parent or a guardian"

24. Page 14, line 13.

Following: "arrest"

Insert: "but does not include a collocated juvenile detention facility that complies with 28 CFR, part 31"

25. Page 15.

Following: line 15

Insert: "(26) "Running away from home" means that a youth has been reported to have run away from home without the consent of a parent or guardian or a custodian having legal custody of the youth."

26. Page 15, line 18.

Following: "contempt of court"

Insert: ", violation of a parole agreement,"

27. Page 16, line 1.

Strike: "placement"

Insert: "center"

28. Page 16, line 11.

Strike: "(35)(a)"

Insert: "(34)(a)"

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29. Page 16, lines 15 through 18.

Strike: lines 15 through 18

Insert: "(36) "Youth assessment" means a multidisciplinary assessment of a youth as provided in 41-5-301.

(37) "Youth assessment center" means a staff-secured location that is licensed by the department of public health and human services to hold a youth for up to 10 days for the purpose of providing an immediate and comprehensive community-based youth assessment to assist the youth and the youth's family in addressing the youth's behavior."

Renumber: subsequent subsections

30. Page 16, line 28.

Following: "contempt of court"

Insert: ", violation of a parole agreement,"

31. Page 17, lines 3 and 4.

Following: "beverages"

Strike: remainder of line 3 through "gambling" on line 4

32. Page 20.

Following: line 29

Insert: "(2) The county attorney shall file with the district court a petition for leave to file an information in district court if the youth was 17 years of age at the time the youth committed a transferable offense.

(3) The district court shall grant leave to file the information if the court finds that there is probable cause to believe that the youth has committed the alleged offense and that, considering the seriousness of the offense and in the interests of community protection, the case should be filed in the district court."

Renumber: subsequent subsections

33. Page 21, line 16.

Strike: "the"

Insert: "a"

Following: "prison"

Insert: "facility. During the period of confinement, school-aged youth with disabilities must be provided an education consistent with the requirements of the federal Individuals with Disabilities Education Act, 20 U.S.C. 1400, et seq"

34. Page 22, line 30.

Strike: "33"

Insert: "34"

35. Page 23, line 26.

Following: "agency"

Insert: ";(d) perform a youth assessment if:

(i) a youth has been referred to the youth court as an alleged youth in need of intervention with a minimum of two misdemeanor offenses or three offenses that would not be offenses if the youth were an adult in the past year; or

(ii) the youth or the youth's parent or guardian requests the youth assessment and both the youth and the parent or guardian are willing to cooperate with the assessment process.

(3) A youth assessment:

(a) must be a multidisciplinary effort that may include, but is not limited to a chemical dependency evaluation of the youth, an educational assessment of the youth, an evaluation to determine if the youth has

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mental health needs, or an assessment of the need for any family-based services or other services provided by the department of public health and human services or other state and local agencies. The education component of the youth assessment is intended to address attendance, behavior, and performance issues of the youth. The education component is not intended to interfere with the right to attend a nonpublic or home school that complies with 20-5-109.

(b) must include a summary of the family's strengths and needs as they relate to addressing the youth's behavior;

(c) may occur in a youth's home, with or without electronic monitoring, or pursuant to 41-5-305 in a youth assessment center licensed by the department of public health and human services or in any other entity licensed by the department of public health and human services. The county shall provide adequate security in other licensed entities through provision of additional staff or electronic monitoring. The staff provided by the county must meet licensing requirements applicable to the licensed entity in which the youth is being held.

(4) The assessment officer arranging the youth assessment shall work with the parent or guardian of the youth to coordinate the performance of the various parts of the assessment with any providers that may already be working with the family or providers that are chosen by the family to the extent possible to meet the goals of the Youth Court Act."

Renumber: subsequent subsections

36. Page 24, line 4.

Following: "detention₁"

Insert: "a"

Strike: "placement"

Insert: "center"

37. Page 24, line 5.

Following: "detention₁"

Insert: "a"

Strike: "placement"

Insert: "center"

38. Page 24.

Following: line 6

Insert: "(b) The juvenile probation officer shall collect the following information regarding a youth:

(i) biographical data;

(ii) a description of prior and current offenses, including criminal history;

(iii) a listing of known or suspected associates;

(iv) any gang or drug involvement;

(v) field investigation data;

(vi) motor vehicle ownership and offense data, if any;

(vii) whether the youth is a suspect in other criminal investigations;

(viii) history of any victimization of others by the youth;

(ix) the youth's status offense history;

(x) existence of active warrants;

(xi) school, employment, and family histories;

(xii) social and medical services histories;

(xiii) prior conduct in a youth detention or correctional facility, if any."

Renumber: subsequent subsections

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39. Page 24, line 29.

Following: "or"

Insert: "a"

Strike: "placement"

Insert: "center"

40. Page 26, line 17.

Strike: "placement"

Insert: "center"

41. Page 26, line 30 through page 27, line 1.

Following: "filed"

Strike: remainder of page 26, line 30 through "felony" on page 27, line 1

42. Page 27, line 8.

Strike: "placements"

Insert: "centers"

43. Page 27, line 13.

Strike: "an aftercare"

Insert: "a parole"

44. Page 28, line 2.

Strike: "placement"

Insert: "center"

45. Page 28, line 6.

Strike: "and the youth's family's"

46. Page 28, line 26.

Strike: "placement"

Insert: "center"

47. Page 29, line 9.

Strike: "an informal"

Insert: "a consent"

48. Page 29, line 30.

Following: "adult"

Insert: "or third or subsequent offense if that offense would be a misdemeanor if committed by an adult"

49. Page 30, lines 2 and 3.

Strike: "informal" on line 2 and line 3

Insert: "consent" in both places

Following: "adjustment"

Strike: "--" on line 2 through "care" on line 3

50. Page 30, line 9.

Strike: "31"

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Insert: "32"

51. Page 30, line 13.

Strike: the second "placement"

Insert: "center"

52. Page 30, lines 18 and 22.

Strike: "or the youth's parents or guardians" in both places

53. Page 30, line 26.

Following: "LIMITED TO"

Strike: "FAMILY"

Insert: "mediation or youth"

54. Page 30, line 27.

Following: line 26

Strike: the first "FAMILY"

Insert: "youth"

55. Page 30, lines 28 and 30.

Strike: "FAMILY"

Insert: "youth"

56. Page 31, line 10.

Following: "violates"

Strike: "an aftercare"

Insert: "a parole"

57. Page 31, line 18 through page 32, line 21.

Strike: subsections (4) through (6) in their entirety

58. Page 33, line 10.

Following: "detention₁"

Insert: "a"

Strike: "placement"

Insert: "center"

59. Page 33, line 11.

Following: "detention₁"

Insert: "a"

Strike: "placement"

Insert: "center"

60. Page 34, line 5.

Following: "obligations"

Insert: ", including possible assessments and related costs,"

61. Page 34, line 13.

Strike: "PLACEMENT"

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62. Page 34.

Following: line 29

Insert: "(3) Prior to an adjudicatory hearing before a jury, the court shall conduct an omnibus hearing in accordance with 46-13-110.

(4) The jury trial must be conducted in accordance with Title 46, chapter 16."

Renumber: subsequent subsections

63. Page 35, line 19.

Strike: "33"

Insert: "34"

64. Page 35, lines 20 and 21.

Strike: "social" on line 20 through "assessment," on line 21

Insert: "youth assessment"

65. Page 35, line 21.

Following: "officer"

Insert: "or an assessment officer"

66. Page 35, line 23.

Following: "case"

Insert: ", including a statement by the victim or the victim's family"

67. Page 35, line 24.

Page 35, line 27.

Strike: "social summary, family assessment,"

Insert: "youth assessment"

68. Page 35, lines 28 and 29.

Strike: "social" on line 28 through "assessment," on line 29

Insert: "youth assessment"

69. Page 36, line 1.

Strike: "social summary, family assessment,"

Insert: "youth assessment"

70. Page 36, lines 3 and 4.

Strike: "(3), (4), and (5) of"

Following: "41-5-521" on line 4

Insert: "(5) through (7)"

71. Page 36, line 5.

Following: "youth"

Insert: ", the victim,"

72. Page 36, lines 5 and 6.

Strike: "social summary, family assessment,"

Insert: "youth assessment"

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73. Page 36, line 30.

Strike: "or a youth's parents or guardians"

74. Page 37, lines 20 and 23.

Strike: "an in-state" in both places

Insert: "a"

75. Page 37, line 25.

Following: "department."

Insert: "for the purposes of funding a private, out-of-home, residential placement"

76. Page 38, line 10.

Strike: "the youth's parents or guardians"

Insert: "by the person that contributed to the delinquency of the youth"

77. Page 38, line 25.

Strike: "35"

Insert: "36"

78. Page 39, lines 5 and 9.

Strike: "or the youth's parents or guardians" in both places

79. Page 39, line 23.

Strike: the second "placement"

Insert: "center"

Strike: " "

Insert: " ; "

80. Page 39.

Following: line 23

Insert: "(16) order the youth to participate in mediation that is appropriate for the offense committed."

81. Page 42, line 19.

Strike: "34(1)"

Insert: "35(1)"

Strike: "35(2)"

Insert: "36(2)"

82. Page 43, line 11.

Strike: "into"

Insert: "or"

Strike: "appropriate"

Insert: "alternative"

83. Page 43, line 14.

Strike: "successful"

84. Page 43, line 25.

Strike: "an aftercare"

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Insert: "a parole"

85. Page 44, line 11.

Strike: "an aftercare"

Insert: "a parole"

86. Page 44, line 12.

Strike: "other"

Insert: "private, out-of-home, residential"

Strike: "the department,"

Following: "court"

Strike: ", "

87. Page 44, line 14.

Following: "41-5-205"

Insert: ", "

Following: "department"

Insert: "for purposes of funding a private, out-of-home, residential placement"

88. Page 44, line 21.

Following: "youth"

Insert: "while in a private, out-of-home, residential placement and upon release until discharged by the department"

89. Page 44, line 25.

Strike: "family"

Insert: "youth"

90. Page 45, line 20.

Following: "is"

Insert: "placed in substitute care, a youth assessment center, or detention requiring payment by any state or local government agency or"

91. Page 45, line 23.

Strike: "commitment"

Insert: "custody"

92. Page 45, line 25.

Following: line 24

Insert: "(2) If the court determines that a youth's parents or guardians are financially able to pay a contribution for adjudication, disposition, attorney fees for the costs of prosecuting or defending the youth, costs of detention, or supervision as provided in subsection (1), the court shall order the youth's parents or guardians to pay a specified amount. The order must state to which state or local government agency all or a part of the contribution is due and in what order the payments must be made."

Renumber: subsequent subsections

93. Page 45, line 29.

Strike: "(3)(b)"

Insert: "(4)(b)"

Strike: "this section"

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Insert: "subsection (3)"

94. Page 46, line 22.

Strike: "(2)"

Insert: "(3)"

95. Page 48, line 2.

Following: "adult"

Insert: "or third or subsequent offense if that offense would be a misdemeanor if committed by an adult"

96. Page 48, line 29.

Following: "representative of"

Strike: "a"

Insert: "the"

Following: "district"

Insert: "within the boundaries of which the youth is recommended to be placed and will be attending school"

97. Page 48, line 30.

Strike: "child"

Insert: "youth"

98. Page 49, line 5.

Strike: "or"

Following: "41-5-524"

Insert: ", or [section 40]"

Strike: "placement"

Insert: "custody"

99. Page 50, line 3.

Strike: "family"

Insert: "youth"

100. Page 51.

Following: line 16

Insert: "(7) A shelter care facility may permit a school district to use the facility as an alternative education site provided that the school district provides the educational program and personnel necessary to instruct the youth. Public schools shall follow the requirements of the federal Individuals with Disabilities Education Act, 20 U.S.C. 1400, et seq., in making education placement decisions for youth with disabilities."

101. Page 52, line 8.

Strike: "38"

Insert: "39"

102. Page 52, lines 19 and 26.

Strike: "33" in both places

Insert: "34"

103. Page 53, line 15.

Strike: "(4) and (5)"

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Insert: "(6) and (7)"

104. Page 59.

Following: line 23

Insert: "(7) To the extent that the county interdisciplinary child information team is involved in a proceeding that is held prior to adjudication of a youth in youth court, the team satisfies the requirements of 20 U.S.C. 1232g(b)(1)(E)(ii)(I) of the Family Educational Rights and Privacy Act of 1974. Montana school districts may release education records to the team. The terms of the written agreement described in subsection (5) must include a requirement that the officials and authorities to whom the information is disclosed certify in writing to the school district that is releasing the education records that the education records or information from the education records will not be disclosed to any other party without the prior written consent of the parent or guardian of the student."

105. Page 59, line 28.

Following: "properly"

Strike: "diagnose" through "rehabilitate"

Insert: "provide custody, assessment, care, supervision, treatment, education, rehabilitation, and work and skill development for"

106. Page 59, line 29.

Strike: "19"

Insert: "18"

107. Page 60, line 4.

Following: line 3

Insert: "Section 59. Section 52-5-102, MCA, is amended to read:

"52-5-102. Control and management of youth correctional facilities. The facilities provided for in 52-5-101 shall exercise their functions under the supervision and general management of the department of corrections. Except where otherwise provided by law, the department by rules shall establish standards of care and policies of admission, transfers, discharge, and ~~aftercare~~ parole supervision in order to provide adequate care for children and adequate service to the courts. Policies of admission may include criteria for medical examinations required under 52-5-108. The department shall develop special programs within each facility ~~which~~ that are adaptable to the particular needs of its operation."

Section 60. Section 52-5-103, MCA, is amended to read:

"52-5-103. Cooperative agreements for services with governing body of Indian tribe. (1) The department of corrections may enter into agreements with the governing body of an Indian tribe within the state for residential, educational, evaluation, and ~~aftercare~~ parole services maintained by the department for children who have been adjudicated delinquent by the tribal court, subject to the provisions of this part and parts 1 and 2 of Title 53, chapter 1.

(2) Any agreement entered into under subsection (1) must also satisfy the requirements of Title 18, chapter 11."

Section 61. Section 52-5-107, MCA, is amended to read:

"52-5-107. Maximum age of commitment. A ~~child~~ youth who has attained ~~the age of 18 years~~ of age may not be committed by any youth court to the department of corrections, ~~except, however, that any person under 19 years who prior to attaining the age of 18 years came under the jurisdiction of the youth court by reason of delinquent conduct and whose adjudication of delinquency is not made until after the child reaches the age of 18 years may be committed to the department of corrections.~~

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Section 62. Section 52-5-111, MCA, is amended to read:

"52-5-111. Commutation of sentence to state prison facility and transfer of prisoner to youth correctional facility. (1) Upon the application of a person ~~under 19 years of age who has not attained 18 years of age~~ who has been sentenced to ~~the~~ a state prison facility or upon the application of the youth's parents or guardian, the governor may, after consulting with the department of corrections and with the approval of the board of pardons and parole, commute the sentence by committing the person who may benefit from programs offered at a youth correctional facility to the department of corrections until the youth is ~~19~~ 18 years of age or until sooner placed or discharged.

(2) If the ~~person's~~ youth's behavior after being committed to the department of corrections indicates that the youth is not a proper person to reside at one of the youth correctional facilities, the governor, after consulting with the department of corrections and with the approval of the board of pardons and parole, may revoke the commutation and return the youth to ~~the~~ a state prison facility to serve out the youth's unexpired term, and the time spent by the youth at one of the youth correctional facilities or while a refugee from one of the youth correctional facilities is not considered as a part of the youth's original sentence.

(3) Upon recommendation of the warden and with the approval of the department of corrections, a person under ~~19~~ 18 years of age who has been sentenced to ~~the~~ a state prison facility and who may benefit from programs offered at a youth correctional facility may be transferred to any youth correctional facility under the jurisdiction and control of the department of corrections.

(4) If the ~~person's~~ youth's behavior after transfer to a youth correctional facility indicates that the youth might be released on parole or that the youth's sentence might be commuted and the youth be discharged from custody, the superintendent of the facility, with the approval of the department of corrections, may make an appropriate recommendation to the board of pardons and parole and the governor, who may in their discretion parole the person or commute the youth's sentence.

(5) If the ~~person's~~ youth's behavior after transfer to a youth correctional facility indicates that the youth is not a proper person to reside in the facility, upon recommendation of the superintendent and with the approval of the department of corrections, the youth must be returned to ~~the~~ a state prison facility to serve out the unexpired term."

Section 63. Section 52-5-113, MCA, is amended to read:

"52-5-113. ~~Apprehension and~~ Publication of information to facilitate return of youth leaving a state youth correctional facility or program without permission. ~~A youth who has left a youth correctional facility of the department of corrections without permission may be apprehended and returned by any citizen. The term "youth correctional facility of the department" means any facility under the supervision and control of the department of corrections that has as its primary function the care, training, custody, and control of youth and specifically includes the Pine Hills school for boys and the Mountain View school for girls. The department may publish the name and picture of and the offense and other information relating to a youth who has left a state youth correctional facility or program operated by the department or who is committed to the department and who presents a threat to public safety if the publication is determined by the department to be necessary to facilitate the youth's return and to protect the public.~~

Section 64. Section 52-5-126, MCA, is amended to read:

"52-5-126. Youth ~~aftercare~~ parole agreement. (1) A youth released by the department of corrections from one of the state youth correctional facilities to the supervision, custody, and control of the department shall, before the youth's release, sign ~~an aftercare~~ a parole agreement containing:

- (a) a statement of the terms and conditions of the release, including a list of the acts that, if committed by the youth, may result in a return to the facility; and
- (b) a statement that if the department or any person alleges any violation of the terms and conditions of the agreement, the youth is entitled to a hearing as provided for in 52-5-129 before being returned to the

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facility.

(2) A youth released from a state youth correctional facility for commitment to a mental health facility pursuant to Title 53, chapter 21, part 1, shall sign ~~an aftercare~~ a parole agreement that will remain in effect until the department no longer has custody of the youth."

Section 65. Section 52-5-127, MCA, is amended to read:

"52-5-127. Control over youth released under ~~aftercare~~ parole agreement. The department of corrections has control over a youth released pursuant to a parole agreement under 52-5-126 until the youth attains ~~the age of 19~~ 18 years of age unless the youth is discharged by the department before age ~~19~~ 18. However, the youth is subject to the continuing jurisdiction of the youth courts of Montana, pursuant to 41-5-205, for acts committed by the youth while under the control of the department."

Section 66. Section 52-5-128, MCA, is amended to read:

"52-5-128. Detention of youth who violates ~~aftercare~~ parole agreement. A youth who violates the terms and conditions of the youth's ~~aftercare~~ parole agreement or who escapes from a state youth correctional facility or program operated by the department may be detained by the department ~~of corrections~~ or by a law officer of the state, county, or city of the state upon certificates notice in writing to the officer by the department to the effect that the youth has violated the terms and conditions of the youth's ~~aftercare~~ parole agreement or has escaped from a state youth correctional facility or program operated by the department."

Section 67. Section 52-5-129, MCA, is amended to read:

"52-5-129. Hearing on alleged violation of ~~aftercare~~ parole agreement -- right to appeal outcome. (1) When it is alleged by ~~an aftercare counselor~~ a juvenile parole officer that a youth has violated the terms of the youth's ~~aftercare~~ parole agreement, the youth must be granted a hearing at the site of the alleged violation or in the county in which the youth is residing or is found within 10 days after notice has been served on the youth or the youth is detained, whichever is earlier. At the discretion of the hearings officer, this hearing may be held by means of interactive video transmission. The purpose of the hearing is to determine whether the youth committed the violation and, if so, whether the violation is of such a nature that the youth should be returned to the youth correctional facility from which the youth was released or whether a different plan for ~~treatment~~ custody and supervision of the youth should be pursued by the department of corrections.

(2) The youth, upon advice of an attorney, may waive the right to a hearing.

(3) With regard to this hearing, the youth must be given:

- (a) written notice of the alleged violation of the ~~aftercare~~ parole agreement, including notice of the purpose of the hearing;
 - (b) disclosure of the evidence against the youth and the facts constituting the alleged violation;
 - (c) opportunity to be heard in person or by interactive video transmission and to present witnesses and documentary evidence to controvert the evidence against the youth and to show that there are compelling reasons that justify or mitigate the violation;
 - (d) opportunity to have the referee subpoena witnesses;
 - (e) the right to confront and cross-examine adverse witnesses in person or by means of interactive video transmission;
 - (f) the right to be represented by an attorney;
 - (g) a record of the hearing; and
 - (h) notice that a written statement as to the evidence relied upon in reaching the final decision and the reasons for the final decision will be provided by the ~~referee~~ hearings officer.
- (4) The department shall ~~appoint a referee, who may not be an employee of the department,~~ provide a hearings officer to conduct the hearing. ~~In the conduct of the hearing, the department may request the county attorney's assistance as necessary.~~ The department shall adopt rules necessary to effect a prompt

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and full review.

(5) If the ~~referee~~ hearings officer finds, by a preponderance of the evidence, that the youth did in fact commit the violation, the ~~referee~~ hearings officer shall make a recommendation to the department for the placement of the youth. In making this recommendation, the ~~referee~~ hearings officer may consider mitigating or aggravating circumstances. ~~Final approval rests with the department and must be made within 10 days of the referee's recommendation.~~ The youth or the youth's attorney may appeal the hearings officer's decision to the department director. The appeal must be made in writing within 5 days of the hearing. The department director or designee shall grant or deny the appeal within 5 days of receipt of the appeal.

(6) The youth may appeal ~~from the decision at the hearing of the department director~~ to the district court of the county in which the hearing was held by serving and filing a notice of appeal with the court within 10 days of the ~~department's~~ department director's decision. The youth may obtain a written transcript of the hearing from the department by giving written notice of appeal. The district court, upon receipt of a notice of appeal, shall order the department to promptly certify to the court a record of all proceedings before the department and shall proceed to a prompt hearing on the appeal based upon the record on appeal. The decision of the department may not be altered except for abuse of discretion or manifest injustice.

(7) Pending the hearing on a violation and pending the department's decision, a youth may not be detained except when the youth's detention or care is required to protect the person or property of the youth or of others or the youth may abscond or be removed from the community. The department shall determine the place and manner of detention and is responsible for the cost of the detention. Procedures for taking into custody and detention of a youth charged with violation of the youth's ~~aftercare~~ parole agreement are as provided in 41-5-303, 41-5-306, 41-5-311, and 41-5-314.

(8) If the decision is made to return the youth to the youth correctional facility from which the youth was released and the youth appeals that decision, the youth shall await the outcome of the appeal at the facility.""

Renumber: subsequent sections

108. Page 60, line 10.

Strike: "care, protection, and mental and physical development"

Insert: "custody, assessment, care, supervision, treatment, education, rehabilitation, and work and skill development"

109. Page 61, line 6.

Strike: "aftercare"

Insert: "parole"

110. Page 62.

Following: line 11

Insert: "(3) Proceedings under 41-5-301 and 41-5-401 that are held prior to adjudication satisfy the requirements of 20 U.S.C. 1232g(b)(1)(E)(ii)(I) of the Family Educational Rights and Privacy Act of 1974. Montana school districts may release education records to assessment officers. The assessment officer is responsible for ensuring that officials and authorities to whom such information is disclosed certify in writing to the school district that is releasing the education records that the education records or information from the education records will not be disclosed to any other party without the prior written consent of the parent of the student."

111. Page 62, lines 23 and 25.

Strike: "31 and 33 through 40" in both places

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Insert: "32 and 34 through 41"

112. Page 62, lines 28 and 29.

Strike: "60"

Insert: "70"

113. Page 63, line 1.

Following: "INSTRUCTION."

Insert: "(1)"

Strike: " BILL NO. [LC 1131]"

Insert: "House Bill No. 502"

114. Page 63, line 3.

Following: "THEN"

Insert: ": (a) the section in House Bill No. 502 amending section 41-5-523 is void;

(b) the phrase "seriously mentally ill, as defined in 53-21-102" in this bill must be substituted with "found to be suffering from a mental disorder, as defined in 53-21-102, and who meets the criteria in 53-21-126(1)"; and

(c)"

Strike: "35"

Insert: "36"

115. Page 63, line 4.

Strike: "35"

Insert: "36"

116. Page 63.

Following: line 16

Insert: "(2) If both Senate Bill No. 99 and this bill are passed and approved and if Senate Bill No. 99 includes a section that amends 41-5-206, then that section of Senate Bill No. 99 amending 41-5-206 is void and the amendments to 41-5-205 in this bill are void.

(3) If Senate Bill No. 110 and this bill are both passed and approved, then the sections amending 41-5-403 and 41-5-523 in Senate Bill No. 110 are void and [section 40] of the third reading copy of this bill must read:

"NEW SECTION. Section 40. Contribution for costs -- order for contribution -- exceptions -- collection.

(1) If a youth is placed in substitute care, a youth assessment center, or detention requiring payment by any state or local government agency or committed to the department, the court shall examine the financial ability of the youth's parents or guardians to pay a contribution covering all or part of the costs for the adjudication, disposition, attorney fees for the costs of prosecuting or defending the youth, costs of detention, supervision, care, custody, and treatment of the youth, including the costs of necessary medical, dental, and other health care.

(2) If the court determines that the youth's parents or guardians are financially able to pay a contribution for adjudication, disposition, attorney fees for the costs of prosecuting or defending the youth, costs of detention, or supervision as provided in subsection (1), the court shall order the youth's parents or guardians to pay a specified amount. The order must state to which state or local government agency all or a part of the contribution is due and in what order the payments must be made.

(3) If the court determines that the youth's parents or guardians are financially able to pay a contribution attributable to care, custody, and treatment as provided in subsection (1), the court shall order the youth's

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parents or guardians to pay a specified amount or an amount determined by the department of public health and human services. In either case, the amount must be based on the uniform child support guidelines adopted by the department of public health and human services pursuant to 40-5-209.

(4) A parent's or guardian's liability for contributions begins to accrue from the date the youth is removed from the home and continues until the youth is returned to the parent or guardian, the youth becomes emancipated, or the liability is terminated by order of the court.

(5) (a) A parent or guardian who is ordered to pay a contribution for a youth under subsection (3) assigns to the state agency all rights to a child support order for that youth that are not otherwise assigned under 53-2-613. The assignment of a child support obligation:

(i) is effective for both current and accrued support;

(ii) takes effect on the date the youth is placed in substitute care; and

(iii) remains in effect for as long as the youth lawfully remains in substitute care and until all arrears that are owed prior to the termination of substitute care are paid.

(b) The assigned child support obligation is in addition to the parent's or guardian's contribution determined under subsection (3) or (9), if applicable.

(c) The assigned child support obligation may be retained by the state agency with financial responsibility for the youth in an amount sufficient to reimburse the costs for the substitute care that remain after the obligation has been satisfied.

(6) (a) Except as provided in subsection (6)(b), contributions ordered under subsection (3) and each modification of an existing order are enforceable by immediate or delinquency income withholding, or both, under Title 40, chapter 5, part 4. An order for contribution that is inconsistent with this section is nevertheless subject to withholding for the payment of the contribution without need for an amendment of the support order or for any further action by the court.

(b) A court-ordered exception from contributions under this section must be in writing and must be included in the order. An exception from the immediate income withholding requirement may be granted if the court finds that there is:

(i) good cause not to require immediate income withholding; or

(ii) an alternative arrangement between the state agency and the person who is ordered to pay contributions.

(c) A finding of good cause not to require immediate income withholding must, at a minimum, be based upon:

(i) a written determination and explanation by the court of the reasons why the implementation of immediate income withholding is not in the best interests of the youth; and

(ii) proof of timely payment of previously ordered support in cases involving modification of contributions ordered under this section.

(d) An alternative arrangement must:

(i) provide sufficient security to ensure compliance with the arrangement;

(ii) be in writing and be signed by a representative of the department and the person required to make contributions; and

(iii) if approved by the court, be entered into the record of the proceeding.

(7) Upon a showing of a change in the financial ability of the youth's parent or guardian to pay, the court may modify its order for the payment of contributions required under subsection (2) or (3) or the parent or guardian may apply to the department of public health and human services for an administrative modification for the payment of a contribution required under subsection (3) as provided in Title 40, chapter 5, part 2. A modification for the payment of a contribution required under subsection (3) must be based upon the uniform child support guidelines adopted by the department of public health and human services pursuant to 40-5-209.

(8) (a) If the court orders the payment of contributions under subsection (3) or the department of public health and human services orders the payment of contributions under subsection (9), the department shall apply to the department of public health and human services for support enforcement services pursuant to

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Title IV-D of the Social Security Act.

(b) The department of public health and human services may collect and enforce a contribution order under subsection (3) and the assignment of a child support order, if applicable, by any means available under law, including the remedies provided for in Title 40, chapter 5, parts 2 and 4.

(9) Upon a court order for commitment to the department that does not contain an amount of a contribution or a referral by the court for the department of public health and human services to determine an amount of a contribution as provided in subsection (3), the department may refer the matter to the department of public health and human services to determine, establish, and order the youth's parent or guardian to pay the contribution provided for in subsection (3) using the procedure provided in Title 40, chapter 5, part 2, for establishing a child support order. The department of public health and human services shall provide support enforcement services for contribution orders established under subsection (3)."

And, as amended, be concurred in. Report adopted.

TAXATION (Hibbard, Chairman):

3/10/97

HB 516, introduced bill, be amended as follows:

1. Title, lines 4 and 5.

Strike: "PROVIDING FOR INSTALLMENTS RATHER THAN ONE-HALF PAYMENTS OF TAX;"

2. Title, line 6.

Strike: "INSTALLMENT" in both places

Insert: "HALF" in both places

3. Page 1, line 16.

Page 1, line 21.

Strike: "installment"

Insert: "half"

4. Page 2, line 22.

Strike: "the first installment"

Insert: "one-half"

Strike: "is"

Insert: "are"

5. Page 2, line 24.

Strike: "the second installment is"

Insert: "one-half are"

6. Page 2, line 26.

Strike: "the first installment"

Insert: "one-half"

Strike: "is"

Insert: "are"

7. Page 3, line 10.

Strike: "installments for"

Insert: "halves of"

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And, as amended, do pass. Report adopted.

HB 170 - Representative Clark stated he will abstain from voting on HB 170.

HB 170 and HB 112 - Representative Peck stated he will abstain from voting on HB 170 and HB 112.

HB 112 - Representative Rose stated he will abstain from voting on HB 112.

HB 170 - Representative Tropila stated he will abstain from voting on HB 170.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Swanson in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 170 - Representative Ahner moved HB 170 do pass.

Representative Harper moved HB 170, second reading copy, be amended (amendment #1). Motion failed as follows: (33-64)

Representative Boharski moved for cloture. Motion carried.

Motion to pass HB 170 carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tuss, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 82

Noes: Adams, Arnott, Bergsagel, Boharski, Brainard, DeBruycker, Jore, Kasten, Keenan, Molnar, Prouse, Rehbein, Vick, Wagner, Wells.

Total 15

Excused: None.

Total 0

Absent or not voting: Clark, Peck, Tropila.

Total 3

HB 112 - Representative Ahner moved HB 112 do pass.

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Representative Mercer moved consideration of HB 112 be passed for the day. Motion carried.

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Swanson moved that the Committee of the Whole report be adopted. Report adopted. (84-12)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 63 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bohlinger, Bookout, Carey, Clark, Cocchiarella, DeBruycker, Denny, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simpkins, Simpson, Smith, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Mr. Speaker.

Total 76

Noes: Adams, Bitney, Boharski, Brainard, Cobb, Curtiss, Devaney, Feland, Grimes, Grinde, Jore, Kasten, Keenan, Masolo, McGee, Molnar, Orr, Prouse, Rehbein, Simon, Sliter, Soft, Wagner, Zook.

Total 24

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 555 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: Adams, Boharski, Brainard, Cobb, Curtiss, Ewer, Feland, Jore, Kasten, Orr, Wagner, Wells.

Total 12

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

HB 566 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: Ewer.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 7 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: DeBruycker, Feland.

Total 2

Excused: None.

Total 0

Absent or not voting: Tuss.

Total 1

SB 26 concurred in as follows:

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Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 100

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 62 concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 95

Noes: Adams, Brainard, Jore, Vick.
Total 4

Excused: None.
Total 0

Absent or not voting: Keenan.
Total 1

SB 86 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan,

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Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 99

Noes: Rehbein.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 119 concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 95

Noes: Adams, Boharski, Jore, McGee, Prouse.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 125 concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 87

Noes: Adams, Arnott, Cobb, Grinde, Heavy Runner, Jore, Keenan, Lawson, Pease, Prouse, Rehbein, Tuss.
Total 12

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Excused: None.
Total 0

Absent or not voting: Gillan.
Total 1

SB 192 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 99

Noes: Brainard.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

SB 192 - Representative Gillan moved she be allowed to change her vote on SB 192, third reading, from abstain to aye. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 12:00 p.m., Wednesday, March 12, 1997. Motion carried.

House adjourned at 2:39 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY**

Helena, Montana
March 12, 1997

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Bergman. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the fiftieth, fifty-first and fifty-second legislative days, find the same to be correct.

Hayne, Chairman

BILLS (Hayne, Chairman):

3/12/97

Correctly printed for second reading: SB 48, SB 256, SB 160, SB 109, SB 108, SB 99, SB 79, SB 61, SB 2, HB 544, HB 136, HB 83, HB 559, HB 516, HB 405, HB 125, HB 102, HB 100, HB 208, SB 370, SB 285, SB 223, SB 205, SB 198, SB 175, SB 163, SB 158, SB 31, SB 85, HB 585.

Correctly engrossed for third reading: HB 170.

Examined by the sponsor and found to be correct: HB 108, HB 392.

Signed by the Speaker at 6:17 p.m., March 12, 1997: HJR 3.

AGRICULTURE (Barnett, Chairman):

3/12/97

SB 39, be concurred in. Report adopted.

SB 326, be concurred in. Report adopted.

APPROPRIATIONS (Zook, Chairman):

3/12/97

HB 13, introduced bill, be amended as follows:

1. Title, line 11.

Following: ";"

Insert: "INCREASING THE SALARY OF THE COMMISSIONER OF POLITICAL PRACTICES; CLARIFYING THE BENEFITS TO WHICH THE COMMISSIONER OF POLITICAL PRACTICES IS ENTITLED; PROHIBITING THE REDUCTION OF THE SALARY OF THE COMMISSIONER OF POLITICAL PRACTICES DURING THE TERM TO WHICH THE COMMISSIONER IS APPOINTED;"

2. Title, line 13.

Strike: "AND"

Following: "5-2-301,"

Insert: "AND 13-37-106,"

3. Title, line 15.

Strike: "AN"

Following: "EFFECTIVE"

Insert: "DATES AND A RETROACTIVE APPLICABILITY"

4. Page 1, line 24.

Following: "."

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Insert: "Each agency, when possible, shall implement the compensation plan in a manner that results in a flatter management structure."

5. Page 1, line 26.

Following: "."

Insert: "The department shall develop the alternative system in consultation with employee representatives."

6. Page 4, line 1.

Following: "2-18-312"

Insert: ", 2-18-313,"

7. Page 4, line 3.

Following: "2-18-312"

Insert: ", 2-18-313,"

8. Page 5, line 25.

Strike: "(ii)"

Insert: "(iii)"

9. Page 5, line 30.

Strike: "or"

Insert: "(B) if under subsection (1)(d)(iii)(A), progression from one target market ratio to the next exceeds 3%, then the appropriate target market ratio plus 1%; or"

Renumber: subsequent subsection

10. Page 8, line 3.

Following: "through"

Insert: "2-18-313,"

11. Page 8, line 6.

Following: "2-18-312"

Insert: ", 2-18-313,"

12. Page 14, line 30.

Following: line 29

Insert: "13 33,708 34,719 35,761 36,833 37,938 39,077"

13. Page 16, line 23.

Strike: "9.995"

Insert: "10.245"

14. Page 16, line 24.

Strike: "10.395"

Insert: "10.645"

15. Page 16, line 25.

Strike: "10.795"

Insert: "11.045"

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16. Page 16, line 26.

Strike: "11.195"

Insert: "11.445"

17. Page 16, line 27.

Strike: "11.595"

Insert: "11.845"

18. Page 16, line 28.

Strike: "11.995"

Insert: "12.245"

19. Page 16, line 29.

Strike: "12.395"

Insert: "12.645"

20. Page 16, line 30.

Strike: "12.795"

Insert: "13.045"

21. Page 17, line 1.

Strike: "13.195"

Insert: "13.445"

22. Page 17, line 2.

Strike: "13.595"

Insert: "13.845"

23. Page 17, line 3.

Strike: "13.995"

Insert: "14.245"

24. Page 17, line 4.

Strike: "14.395"

Insert: "14.645"

25. Page 17, line 5.

Strike: "14.795"

Insert: "15.045"

26. Page 17, line 11.

Strike: "9.995"

Insert: "10.515"

27. Page 17, line 12.

Strike: "10.395"

Insert: "10.915"

28. Page 17, line 13.

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Strike: "10.795"
Insert: "11.315"

29. Page 17, line 14.
Strike: "11.195"
Insert: "11.715"

30. Page 17, line 15.
Strike: "11.595"
Insert: "12.115"

31. Page 17, line 16.
Strike: "11.995"
Insert: "12.515"

32. Page 17, line 17.
Strike: "12.395"
Insert: "12.915"

33. Page 17, line 18.
Strike: "12.795"
Insert: "13.315"

34. Page 17, line 19.
Strike: "13.195"
Insert: "13.715"

35. Page 17, line 20.
Strike: "13.595"
Insert: "14.115"

36. Page 17, line 21.
Strike: "13.995"
Insert: "14.515"

37. Page 17, line 22.
Strike: "14.395"
Insert: "14.915"

38. Page 17, line 23.
Strike: "14.795"
Insert: "15.315"

39. Page 24, line 1.
Following: page 23

Insert: "Section 15. Section 13-37-106, MCA, is amended to read:

"13-37-106. Salary. (1) The commissioner of political practices is entitled to receive a salary of ~~\$30,303 in fiscal year 1992 and \$31,551 in fiscal year 1993 and thereafter~~ equal to the market salary of a grade 17 classified employee as provided in 2-18-312.

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(2) The commissioner is also entitled to longevity, expense reimbursement, leave, insurance, and other benefits provided to classified state employees under Title 2, chapter 18.

(3) The salary of the commissioner may not be reduced during the term for which the commissioner is appointed."

Renumber: subsequent sections

40. Page 24, line 22.

Insert: "NEW SECTION. Section 20. Retroactive applicability. [Section 15] applies retroactively within the meaning of 1-2-109, to January 1, 1997."

Renumber: subsequent sections

41. Page 24, line 23.

Strike: "date."

Insert: "dates. (1) Except as provided in subsection (2),"

Strike: "This"

Insert: "this"

42. Page 24, line 24.

Insert: "(2) [Sections 15 and 20] are effective on passage and approval."

And, as amended, do pass. Report adopted.

HB 576, introduced bill, be amended as follows:

1. Page 1, line 15.

Following: "41-3-702"

Insert: "and the interest from the endowment established by [section 3]"

2. Page 1, lines 15 through 17.

Following: "to fund services and activities"

Strike: remainder of line 15 through "programs" on line 17

Insert: "related to a broad range of child abuse and neglect prevention activities and family resource programs operated by nonprofit or public community-based educational and service organizations"

3. Page 1, line 28.

Following: "grants"

Strike: remainder of line 28

Insert: "earmarked for the endowment for children must be paid into the"

4. Page 2, line 4.

Following: "41-3-701"

Strike: "The endowment may not exceed \$5 million."

5. Page 2, line 7.

Following: " ;"

Insert: "and"

6. Page 2, lines 8 and 9.

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Strike: lines 8 and 9 in their entirety
Renumber: subsequent subsection

7. Page 2, line 13.

Following: "."

Insert: "Only the interest generated by the endowment is available for expenditure by the board."

And, as amended, do pass. Report adopted.

HB 580, introduced bill, do pass. Report adopted.

BUSINESS & LABOR (Simon, Chairman):

3/11/97

HB 585, introduced bill, be amended as follows:

1. Title, line 7.

Following: "ACQUISITION,"

Insert: "AND"

2. Title, lines 7 and 8.

Following: "PRESERVATION" on line 7

Strike: remainder of line 7 through "STEWARDSHIP" on line 8

3. Title, lines 15 through 17.

Following: "PROJECTS;" on line 15

Strike: the remainder of line 15 through "PROGRAM;" on line 17

4. Page 1, lines 21 and 22.

Strike: "various" on line 21 through "entities" on line 22

Insert: "a new entity"

5. Page 2.

Strike: lines 1 through 14 in their entirety

6. Page 6, line 26.

Following: "property"

Insert: "with proceeds from the heritage preservation and development account"

7. Page 8, line 14.

Strike: "17-7-503"

Insert: "17-5-703"

8. Page 8, line 28 through line 19 on page 10.

Strike: sections 9 through 12 in their entirety

Renumber: subsequent sections

9. Page 13, line 8.

Following: the first "million"

Insert: "per year"

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Following: "then"

Insert: "one-fourth of"

10. Page 13, line 18.

Following: "the"

Strike: the remainder of line 18

Insert: "coal severance tax permanent fund provided for in 17-5-703(1)(c);"

11. Page 13, line 23.

Strike: "subsection"

Insert: "subsections"

Following: "(5)"

Insert: "(a), (5)(b), (5)(c)(i) through (5)(c)(iii), and (5)(c)(v)"

12. Page 14, line 19.

Strike: "[section 12];"

13. Page 15, lines 10 through 19.

Strike: section 18 in its entirety

Renumber: subsequent sections

14. Page 15, lines 26 through 29.

Strike: subsections (3) and (4) in their entirety

And, as amended, do pass. Report adopted.

SB 251, be concurred in. Report adopted.

SELECT CORRECTIONS (Bergsagel, Chairman):

3/12/97

HB 114, introduced bill, be amended as follows:

1. Page 3, line 25 through page 4, line 5.

Strike: subsection (18) in its entirety

Renumber: subsequent subsections

2. Page 38.

Following: line 19

Insert: "(3) If Senate Bill No. 48 and this bill are both passed and approved:

(a) any reference in this bill to [section 29] is void, and the reference must be changed to reflect [section 34] in Senate Bill No. 48 in the second reading copy of the second house;

(b) any reference to [section 35] in this bill is void, and the reference must be changed to reflect [section 41] in Senate Bill No. 48 in the second reading copy of the second house;

(c) any reference to [section 36] in this bill is void, and the reference must be changed to reflect [section 39] in Senate Bill No. 48 in the second reading copy of the second house;

(d) sections amending 41-5-301, 41-5-303, 41-5-305, 41-5-306, and 41-5-530, in Senate Bill No. 48, second reading copy of the second house are void;

(e) sections amending 41-5-403, 41-5-523, 41-5-1004, and 41-5-1104 and [sections 29, 30, 31, 32, 33, 34, 35, 36, 37, and 48(5)] in this bill, first reading copy, are void;

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(f) the following sections in this bill must read as follows:

"Section 5. Section 41-5-301, MCA, is amended to read: "41-5-301. Preliminary ~~investigation and disposition inquiry~~ -- referral of youth in need of care. (1) Whenever the court receives information from ~~any~~ an agency or person, based upon reasonable grounds, that a youth is or appears to be a delinquent youth or a youth in need of ~~supervision intervention~~ or, ~~being~~ that the youth is subject to a court order or consent order, ~~and~~ has violated the terms of an order, a probation officer or an assessment officer shall make a preliminary inquiry into the matter.

(2) ~~The probation officer may:~~

(a) ~~require the presence of any person relevant to the inquiry;~~

(b) ~~request subpoenas from the judge to accomplish this purpose;~~

(c) ~~require investigation of the matter by any law enforcement agency or any other appropriate state or local agency.~~

(3)(2) If the probation officer or assessment officer determines that the facts indicate that the youth is a youth in need of care, the matter must be immediately referred to the department of public health and human services.

(4) (a) ~~The probation officer in the conduct of the preliminary inquiry shall:~~

(i) ~~advise the youth of the youth's rights under this chapter and the constitutions of the state of Montana and the United States;~~

(ii) ~~determine whether the matter is within the jurisdiction of the court;~~

(iii) ~~determine, if the youth is in detention or shelter care, whether detention or shelter care should be continued based upon criteria set forth in 41-5-305.~~

(b) ~~Once relevant information is secured, the probation officer shall:~~

(i) ~~determine whether the interest of the public or the youth requires that further action be taken;~~

(ii) ~~terminate the inquiry upon the determination that no further action be taken; and~~

(iii) ~~release the youth immediately upon the determination that the filing of a petition is not authorized.~~

(5) ~~The probation officer upon determining that further action is required may:~~

(a) ~~provide counseling, refer the youth and the youth's parents to another agency providing appropriate services, or take any other action or make any informal adjustment that does not involve probation or detention;~~

(b) ~~provide for treatment or adjustment involving probation or other disposition authorized under 41-5-401 through 41-5-403 if the treatment or adjustment is voluntarily accepted by the youth's parents or guardian and the youth, if the matter is referred immediately to the county attorney for review, and if the probation officer proceeds no further unless authorized by the county attorney; or~~

(c) ~~refer the matter to the county attorney for filing a petition charging the youth to be a delinquent youth or a youth in need of supervision.~~

(6) ~~The county attorney may apply to the youth court for permission to file a petition charging a youth to be a delinquent youth or a youth in need of supervision. The application must be supported by evidence that the youth court may require. If it appears that there is probable cause to believe that the allegations of the petition are true, the youth court shall grant leave to file the petition.~~

(7) ~~A petition charging a youth held in detention must be filed within 7 working days from the date the youth was first taken into custody or the petition must be dismissed and the youth released unless good cause is shown to further detain the youth.~~

(8) ~~If a petition is not filed under this section, the complainant and victim, if any, must be informed by the probation officer of the action and the reasons for not filing and must be advised of the right to submit the matter to the county attorney for review. The county attorney, upon receiving a request for review, shall consider the facts, consult with the probation officer, and make the final decision as to whether a petition is filed."~~

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NEW SECTION. Section 6. Preliminary inquiry -- procedure -- youth assessment. (1) In conducting a preliminary inquiry under 41-5-301, the probation officer or assessment officer shall:

- (a) advise the youth of the youth's rights under this chapter and the constitutions of the state of Montana and the United States;
 - (b) determine whether the matter is within the jurisdiction of the court;
 - (c) determine, if the youth is in detention, a youth assessment center, or shelter care, whether detention, placement in a youth assessment center, or shelter care should be continued or modified based upon criteria set forth in 41-5-305, [section 16], and [section 47].
- (2) In conducting a preliminary inquiry, the probation officer or assessment officer may:
- (a) require the presence of any person relevant to the inquiry;
 - (b) request subpoenas from the judge to accomplish this purpose;
 - (c) require investigation of the matter by any law enforcement agency or any other appropriate state or local agency;
 - (d) perform a youth assessment pursuant to [section 46].
- (3) The probation officer or assessment officer shall collect the following information regarding a youth:
- (a) biographical data;
 - (b) a description of prior and current offenses, including criminal history;
 - (c) a listing of known or suspected associates;
 - (d) any gang or drug involvement;
 - (e) field investigation data;
 - (f) motor vehicle ownership and offense data, if any;
 - (g) whether the youth is a suspect in other criminal investigations;
 - (h) history of any victimization of others by the youth;
 - (i) the youth's status offense history;
 - (j) existence of active warrants;
 - (k) school, employment, and family histories;
 - (l) social and medical services histories;
 - (m) prior conduct in a youth detention or correctional facility, if any.

NEW SECTION. Section 7. Preliminary inquiry -- determinations -- release. Once relevant information is secured after a preliminary inquiry under 41-5-301, the probation officer or assessment officer shall:

- (1) determine whether the interest of the public or the youth requires that further action be taken;
- (2) terminate the inquiry upon the determination that no further action be taken; and
- (3) release the youth immediately upon the determination that the filing of a petition is not authorized.

NEW SECTION. Section 8. Preliminary inquiry -- dispositions available to probation officer. Upon determining that further action is required after a preliminary inquiry under 41-5-301, the probation officer or assessment officer may:

- (1) arrange informal disposition as provided in [section 9]; or
- (2) refer the matter to the county attorney for filing a petition in youth court charging the youth to be a delinquent youth or a youth in need of intervention or for filing an information in the district court as provided in 41-5-206.

NEW SECTION. Section 9. Informal disposition. After a preliminary inquiry under 41-5-301, the probation officer or assessment officer upon determining that further action is required and that referral to the county attorney is not required may:

- (1) provide counseling, refer the youth and the youth's family to another agency providing appropriate services, or take any other action or make any informal adjustment that does not involve probation or detention; or

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(2) provide for treatment or adjustment involving probation or other disposition authorized under 41-5-401 through 41-5-403 if the treatment or adjustment is voluntarily accepted by the youth's parents or guardian and the youth, if the matter is referred immediately to the county attorney for review, and if the probation officer or assessment officer proceeds no further unless authorized by the county attorney.

NEW SECTION. Section 10. Petition -- county attorney -- procedure -- release from custody. (1) The county attorney may apply to the youth court for permission to file a petition charging a youth to be a delinquent youth or a youth in need of intervention. The application must be supported by evidence that the youth court may require. If it appears that there is probable cause to believe that the allegations of the petition are true, the youth court shall grant leave to file the petition.

(2) A petition charging a youth who is held in detention or a youth assessment center must be filed within 7 working days from the date the youth was first taken into custody or the petition must be dismissed and the youth released unless good cause is shown to further detain the youth.

(3) If a petition is not filed under this section, the complainant and victim, if any, must be informed by the probation officer or assessment officer of the action and the reasons for not filing and must be advised of the right to submit the matter to the county attorney for review. The county attorney, upon receiving a request for review, shall consider the facts, consult with the probation officer or assessment officer, and make the final decision as to whether a petition is filed.

NEW SECTION. Section 14. Custody -- hearing for probable cause -- determinations -- detention -- release. (1) If, at a probable cause hearing held pursuant to [section 12], it is determined that there is probable cause to believe that the youth is a delinquent youth or a youth in need of intervention, the court having jurisdiction in the case shall determine whether the youth should be retained in custody. If the court determines that continued custody of the youth is necessary and if the youth meets the criteria in 41-5-305, [section 16], or [section 47], the youth may be placed in a detention facility, a youth assessment center, or a shelter care facility as provided in [sections 18 through 21] but may not be placed in a jail or other facility used for the confinement of adults accused or convicted of criminal offenses.

(2) If probable cause is not found or if a probable cause hearing is not held within the time specified in [section 12], the youth must be immediately released from custody.

Section 17. Section 41-5-306, MCA, is amended to read:

~~"41-5-306. Place of shelter care or detention Limitation on placement of youth in need of care. (1) After a probable cause hearing provided for in 41-5-303, a youth alleged to be a youth in need of supervision may be placed only:~~

~~(a) in a licensed youth foster home as defined in 41-3-1102;~~

~~(b) in a facility operated by a licensed child welfare agency;~~

~~(c) in a licensed youth group home as defined in 41-3-1102; or~~

~~(d) under home arrest, either in the youth's own home or in one of the facilities described in subsections (1)(a) through (1)(c), as provided in Title 46, chapter 18, part 10.~~

~~(2) A youth alleged to be a youth in need of care may be placed only in the facilities listed in subsection (1) by the department of public health and human services as provided in Title 41, chapter 3, and may not be placed in a youth assessment center, youth detention facility, jail, or other facility intended or used for the confinement of adults accused or convicted of criminal offenses.~~

~~(3) After a probable cause hearing provided for in 41-5-303, a youth alleged to be a delinquent youth may be placed only:~~

~~(a) in the facilities described in subsection (1);~~

~~(b) under home arrest as provided in subsection (1);~~

~~(c) in a short term detention center;~~

~~(d) in a youth detention facility; or~~

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~~(e) in a community youth court program."~~

NEW SECTION. Section 20. Place of shelter care. Placement in shelter care means placement in one of the following:

- (1) in a licensed youth care facility as defined in 41-3-1102; or
- (2) under home arrest, with or without a monitoring device, as provided in Title 46, chapter 18, part 10, either in the youth's own home or in a facility described in subsection (1).
- (3) All money in the account, except any amount required to be returned to federal or county sources, is allocated to the department of public health and human services to carry out its duties under 52-1-103."

Section 40. Section 41-5-530, MCA, is amended to read:

"41-5-530. Parental contributions account -- allocation of proceeds. (1) There is a parental contributions account in the state special revenue fund.

(2) Contributions paid by the parents and guardians of youth under 41-3-406, ~~41-5-403, 41-5-523~~ [section 35 41 of Senate Bill No. 48, second reading copy of the second house], or 41-5-524 must be deposited in the account."

(g) This section must be placed in House Bill No. 114 and is intended to be codified in Title 41, chapter 5, part 12, and the provisions of Title 41, chapter 5, part 12, apply to this section:

(3) All money in the account, except any amount required to be returned to federal or county sources, is allocated to the department of public health and human services to carry out its duties under 52-1-1-3."

"NEW SECTION. Section 46. Preliminary inquiry -- youth assessment. (1) The probation officer or assessment officer may perform a youth assessment if:

(a) a youth has been referred to the youth court as an alleged youth in need of intervention with a minimum of two misdemeanor offenses or three offenses that would not be offenses if the youth were an adult in the past year; or

(b) the youth or the youth's parent or guardian requests the youth assessment and both the youth and the parent or guardian are willing to cooperate with the assessment process.

(2) A youth assessment:

(a) must be a multidisciplinary effort that may include, but is not limited to a chemical dependency evaluation of the youth, an educational assessment of the youth, an evaluation to determine if the youth has mental health needs, or an assessment of the need for any family-based services or other services provided by the department of public health and human services or other state and local agencies. The education component of the youth assessment is intended to address attendance, behavior, and performance issues of the youth. The education component is not intended to interfere with the right to attend a nonpublic or home school that complies with 20-5-109.

(b) must include a summary of the family's strengths and needs as they relate to addressing the youth's behavior;

(c) may occur in a youth's home, with or without electronic monitoring, or pursuant to 41-5-305 in a youth assessment center licensed by the department of public health and human services or in any other entity licensed by the department of public health and human services. The county shall provide adequate security in other licensed entities through provision of additional staff or electronic monitoring. The staff provided by the county must meet licensing requirements applicable to the licensed entity in which the youth is being held.

(3) The assessment officer arranging the youth assessment shall work with the parent or guardian of the youth to coordinate the performance of the various parts of the assessment with any providers that may already be working with the family or providers that are chosen by the family to the extent possible to meet the goals of the Youth Court Act."

(h) This section must be placed in House Bill No. 114 and is intended to be codified in Title 41, chapter

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5, part 3, and the provisions of Title 41, chapter 5, part 3, apply to this section:

"NEW SECTION. Section 47. Criteria for placement of youth in youth assessment centers. A youth may be placed in a youth assessment center only if:

- (1) the youth meets the requirements for placement in shelter care;
 - (2) the youth has not committed an act that would be a felony offense if committed by an adult;
 - (3) the youth needs an alternative, staff-secured site for evaluation and assessment of the youth's need for services;
 - (4) the youth needs to be held accountable for the youth's actions with structured programming; and
 - (5) the youth meets qualifications as outlined by the placement guidelines that are determined by the department and coordinated with the guidelines used by the youth placement committees."
- (i) This section must be placed in House Bill No. 114:

"NEW SECTION. Section 50. Code commissioner instruction. (1) Wherever a reference to "an aftercare agreement" appears in House Bill No. 114, the code commissioner is directed to change it to an appropriate reference to "a parole agreement".

(2) References to "an aftercare agreement" that are contained in Title 41, chapter 5, in material enacted by the 55th legislature must be changed to "a parole agreement"."

And, as amended, do pass. Report adopted.

TAXATION (Hibbard, Chairman):
HB 596, introduced bill, do pass. Report adopted.

3/11/97

TRANSPORTATION (Anderson, Chairman):
SB 29, be concurred in. Report adopted.

3/11/97

SB 85, introduced bill, be amended as follows:

1. Title, line 15.

Strike: "AUTHORIZING" through "ALARMS;"

2. Title, lines 16 and 17.

Strike: "PROHIBITING" on line 16 through "VEHICLES;" on line 17

3. Title, line 29.

Strike: "61-9-406,"

4. Page 12, line 11.

Following: line 10

Insert: "(4) An auxiliary off-road lamp mounted more than 42 inches above the level surface upon which the vehicle stands may not be lighted while the vehicle is operated or parked on a highway."

5. Page 20, line 28 through page 21, line 2.

Strike: "A" on page 20 through " " on page 21, line 2

6. Page 23, line 10.

Following: "with"

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Insert: " ; "

Following: "~~any~~"

Insert: "(a)"

7. Page 23, line 13.

Following: "highway"

Insert: " ; or (b) a windshield that is shattered or distorted or in such a defective condition that it materially impairs or obstructs the driver's clear view"

8. Pages 25 and 26.

Strike: section 32 in its entirety

Renumber: subsequent sections

9. Page 31, line 28.

Strike: "this"

Following: "subsection"

Insert: "(2)"

10. Page 36, lines 8 and 10.

Strike: "43"

Insert: "42"

And, as amended, be concurred in. Report adopted.

SB 182, be concurred in. Report adopted.

SB 204, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

House bills concurred in and returned to the House:

3/11/97

HB 40, introduced by Cobb

HB 60, introduced by Rose

HB 69, introduced by Hagener

HB 98, introduced by Clark

HB 152, introduced by Grady

HB 195, introduced by Tash

HB 211, introduced by Rose

HB 311, introduced by Orr

HB 340, introduced by Kottel

HB 359, introduced by Kasten

HB 370, introduced by Tuss

HB 441, introduced by Bankhead

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 3/11/97

HB 308, introduced by Pavlovich

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HB 337, introduced by Bohlinger

House amendments to Senate bill concurred in:

3/11/97

SB 81, introduced by Swysgood

MESSAGES FROM THE GOVERNOR

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 12, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 56 sponsored by Representative R. Johnson on March 12, 1997.

Sincerely,

MARC RACICOT
Governor

**FIRST READING AND COMMITMENT
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time; and referred to committees:

HB 604, introduced by Harper, Rose, Grady, Ellis, Keenan, Ream, Jenkins, Peck, Ohs, Rehbein, Zook, Gage, McCann, referred to Committee on Business & Labor.

HB 605, introduced by Raney, Stang, referred to Committee on Appropriations.

HJR 29, introduced by Cocchiarella, Halligan, Ellingson, Carey, Denny, Brainard, McCulloch, Mahlum, Squires, Brooke, Sands, Ream, Van Valkenburg, Mills, Bookout-Reinicke, referred to Committee on Education.

Representative Grinde moved the House recess until 1:00 p.m. Motion carried.

House recessed at 12:05 p.m.

House reconvened at 1:10 p.m. Mr. Speaker in the Chair.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Trexler in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

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HB 559 - Representative Grimes moved HB 559 do pass.

Representative Cobb moved HB 559, second reading copy, be amended (amendment #1). Motion failed as follows:
(37-60)

Motion to pass HB 559 carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Ellis, Feland, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Molnar, Mood, Ohs, Orr, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Sands, Schmidt, Simon, Simpkins, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 84

Noes: Cocchiarella, Dowell, Ewer, Galvin, Hagener, Heavy Runner, J. Johnson, Pavlovich, Pease, Ryan, Simpson, Tropila, Tuss, Whitehead, Wyatt.

Total 15

Excused: None.

Total 0

Absent or not voting: Mills.

Total 1

HB 100 - Representative Soft moved HB 100 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Molnar, Mood, Ohs, Orr, Pease, Peck, Prouse, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 89

Noes: Brainard, Denny, Ewer, Heavy Runner, Hurdle, Pavlovich, Quilici, Tropila, Tuss, Wyatt.

Total 10

Excused: None.

Total 0

Absent or not voting: Mills.

Total 1

HB 208 - Representative Marshall moved HB 208 do pass. Motion carried as follows:

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Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Molnar, Mood, Ohs, Peck, Prouse, Raney, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 81

Noes: Arnott, Galvin, Heavy Runner, Hurdle, Jore, Kasten, Krenzler, Orr, Pavlovich, Pease, Quilici, Ream, Rehbein, Simpson, Squires, Tuss, Wagner, Whitehead.
Total 18

Excused: None.
Total 0

Absent or not voting: Mills.
Total 1

SB 106 - Representative McGee moved SB 106 be concurred in. Motion carried as follows:

Ayes: Adams, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Molnar, Mood, Ohs, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 83

Noes: Boharski, Brainard, Heavy Runner, Hurdle, Jore, Keenan, Orr, Pavlovich, Pease, Rehbein, Simpson, Tropila, Tuss, Wagner, Whitehead.
Total 15

Excused: None.
Total 0

Absent or not voting: Ahner, Mills.
Total 2

SB 222 - Representative Clark moved SB 222 be concurred in. Motion failed as follows:

Ayes: Ahner, Bankhead, Barnhart, Bergman, Bergsagel, Bohlinger, Bookout, Clark, Cobb, Curtiss, Ellis, Gillan, Grady, Grimes, Grinde, H.S. Hanson, Hayne, R. Johnson, Kitzenberg, Knox, Kottel, Lawson, Marshall, McCann, McCulloch, Mood, Ohs, Peck, Rehbein, Rose, Simon, Simpkins, Smith, Soft, Stovall, Tash, Trexler, Walters, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 42

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Noes: Adams, Anderson, Arnott, Barnett, Beaudry, Bitney, Boharski, Brainard, Carey, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ewer, Feland, Galvin, Hagener, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, Jore, Kasten, Keenan, Krenzler, Masolo, McGee, Menahan, Molnar, Orr, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Sliter, Squires, Story, Swanson, Taylor, Tropila, Tuss, Vick, Wagner, Wells, Whitehead.

Total 57

Excused: None.

Total 0

Absent or not voting: Mills.

Total 1

SB 303 - Representative Ryan moved SB 303 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Molnar, Mood, Ohs, Orr, Pavlovich, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Bankhead, Beaudry, Brainard, Grinde, Pease, Rehbein, Wagner.

Total 7

Excused: None.

Total 0

Absent or not voting: Mills.

Total 1

SB 2 - Representative Anderson moved SB 2 be concurred in.

Representative Cobb moved SB 2, second reading copy, be amended as follows (amendment #1):

1. Title, line 9.

Following: " ; "

Insert: "ALLOWING THE DEPARTMENT OF CORRECTIONS TO DONATE SURPLUS FOOD GROWN OR PRODUCED TO CERTAIN ENTITIES;"

2. Page 4, line 21.

Following: line 20

Insert: "(5) The department may donate surplus food grown or produced at the prison to local food banks, nonprofit organizations, and low-income persons."

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Amendment #1 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 97

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Dowell, Mills, Molnar.
Total 3

Representative Simpkins moved for cloture. Motion carried.

Motion to concur in SB 2, as amended, carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McGee, Molnar, Mood, Ohs, Orr, Prouse, Raney, Rehbein, Rose, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.
Total 68

Noes: Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, McCulloch, Menahan, Pavlovich, Peck, Quilici, Ream, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.
Total 29

Excused: None.
Total 0

Absent or not voting: Barnhart, Mills, Pease.
Total 3

HB 405 - Representative Wyatt moved HB 405 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin,

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Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Knox, Kottel, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Molnar, Ohs, Pavlovich, Peck, Prouse, Raney, Ream, Rehbein, Rose, Ryan, Sands, Smith, Soft, Squires, Story, Stovall, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 78

Noes: Arnott, Bankhead, Brainard, Curtiss, Denny, Hayne, Jore, Kitzenberg, Krenzler, Lawson, Mood, Orr, Quilici, Schmidt, Simpkins, Simpson, Sliter, Swanson, Wagner.

Total 19

Excused: None.

Total 0

Absent or not voting: Mills, Pease, Simon.

Total 3

HB 102 - Representative Grinde moved consideration of HB 102 be placed at the top of the second reading board. Motion carried.

Representative Beaudry moved HB 102 do pass.

Representative Kottel moved HB 102, second reading copy, be amended (amendment #1).

Representative Wyatt moved the amendment be segregated into three sections and voted on separately. Motion carried.

Amendment #1, section #1 reads as follows:

1. Page 2, line 29.

Following: "records."

Insert: "Alternatives to imprisonment, such as community corrections, should be used whenever appropriate in order to provide them opportunities to gain work experience, to learn life skills, to obtain education and training, or to participate in other activities that will reduce recidivism and enable offenders to become productive members of society."

Amendment #1, section #1 carried as follows:

Ayes: Ahner, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Kottel, Krenzler, Marshall, Masolo, McCulloch, McGee, Menahan, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Soft, Squires, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Wells, Whitehead, Wiseman, Wyatt, Zook.

Total 68

Noes: Adams, Anderson, Arnott, Bankhead, Bergsagel, Boharski, Brainard, DeBruycker, Denny, Devaney, Feland, Hayne, Jore, Kasten, Keenan, Lawson, McCann, Mills, Molnar, Orr, Prouse, Rehbein, Sliter, Smith, Story,

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Taylor, Vick, Wagner, Walters.
Total 29

Excused: None.
Total 0

Absent or not voting: Holland, Knox, Mr. Speaker.
Total 3

Amendment #1, section #2 reads as follows:

1. Page 3, line 4.
Following: "VICTIM"
Insert: ", as required by 46-18-241"

Amendment #1, section #2 carried as follows:

Ayes: Anderson, Barnhart, Beaudry, Bergman, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Masolo, McCulloch, McGee, Menahan, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wells, Whitehead, Wiseman, Wyatt, Zook.
Total 72

Noes: Adams, Ahner, Arnott, Bankhead, Barnett, Bergsagel, Bitney, Boharski, DeBruycker, Devaney, Grinde, Hayne, Jore, Kasten, Keenan, Marshall, McCann, Mills, Molnar, Orr, Prouse, Rehbein, Sliter, Vick, Wagner, Walters.
Total 26

Excused: None.
Total 0

Absent or not voting: Holland, Mr. Speaker.
Total 2

Amendment #1, section #3 failed as follows: (30-70)

Motion that HB 102 do pass, as amended, carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grimes, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Knox, Lawson, Marshall, McCann, Menahan, Molnar, Mood, Ohs, Peck, Prouse, Quilici, Rehbein, Rose, Ryan, Simon, Sliter, Smith, Soft, Story, Stovall, Taylor, Vick, Wagner, Walters, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 58

Noes: Barnhart, Brainard, Carey, Cobb, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Grinde, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Keenan, Kitzenberg, Kottel, Krenzler, Masolo, McCulloch,

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McGee, Mills, Orr, Pavlovich, Pease, Raney, Ream, Sands, Schmidt, Simpkins, Simpson, Squires, Swanson, Tash, Trexler, Tropila, Tuss, Wells, Whitehead.

Total 42

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 256 - Representative Clark moved SB 256 be concurred in.

Representative Clark moved SB 256, second reading copy, be amended (amendment #1). Motion failed as follows: (25-74)

Motion to concur in SB 256 carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, H.S. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tuss, Vick, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 78

Noes: Adams, Brainard, Cobb, Curtiss, Hagener, M. Hanson, Heavy Runner, Hurdle, Jore, Kasten, Keenan, Krenzler, Molnar, Mood, Orr, Pease, Prouse, Rehbein, Tropila, Wagner, Whitehead.

Total 21

Excused: None.

Total 0

Absent or not voting: Simon.

Total 1

HB 125 - Representative Grady moved HB 125 do pass.

Representative Cobb moved HB 125, second reading copy, be amended (amendment #1). Motion failed as follows: (47-47)

Motion to pass HB 125 carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Peck, Prouse, Raney, Ream,

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Rehbein, Rose, Ryan, Sands, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.
Total 85

Noes: Brainard, Clark, Galvin, Gillan, Hagener, Heavy Runner, Hurdle, Kottel, Krenzler, Pease, Quilici, Schmidt, Tuss, Whitehead, Wyatt.
Total 15

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Trexler moved that the Committee of the Whole report be adopted. Report adopted. (92-5)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 170 passed as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 85

Noes: Adams, Arnott, Bergsagel, Boharski, Brainard, DeBruycker, Jore, Kasten, McCann, Molnar, Vick, Wagner, Wells.
Total 13

Excused: None.
Total 0

Absent or not voting: Clark, Peck.
Total 2

MOTIONS

HB 313 - Representative Kitzenberg moved HB 313 be taken from the Committee on Select Corrections, printed, and placed on second reading this legislative day. Motion failed. (48-52)

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SB 222 - Representative Clark moved the House reconsider its action on SB 222 taken on second reading this legislative day. Motion failed. (38-61)

HB 279 - Representative Dowell moved HB 279 be taken from the table in the Committee on Select Corrections, printed, and placed on second reading this legislative day. Motion failed. (47-52)

HB 261 - Representative Molnar moved HB 261 be taken from the table in the Committee on Select Corrections, printed, and placed on second reading this legislative day.

Representative Vick moved for previous question. Motion carried.

Motion to move HB 261 from the table failed due to 2/3 vote requirement. (56-44)

HB 477 - Representative Molnar moved HB 477 be taken from the table in the Committee on Select Corrections, printed, and placed on second reading this legislative day. Motion failed due to 2/3 vote requirement. (57-43)

ANNOUNCEMENTS

Representative Grinde moved the House adjourn until 8:00 a.m., Thursday, March 13, 1997. Motion carried.

House adjourned at 4:42 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

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Helena, Montana
March 13, 1997

House Chambers
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Hibbard. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman):

3/13/97

Correctly printed for second reading: HB 576, HB 13, HB 596, HB 580, SB 326, SB 251, SB 204, SB 182, SB 39, SB 29.

Correctly engrossed for third reading: HB 100, HB 125, HB 208, HB 405, HB 559, HB 102, SB 303, SB 106, SB 2.

Correctly enrolled: HB 40, HB 60, HB 69, HB 98, HB 152, HB 195, HB 211, HB 311, HB 340, HB 359, HB 370, HB 441.

Examined by the sponsor and found to be correct: HB 40, HB 60, HB 98, HB 152, HB 195, HB 221, HB 311, HB 359, HB 370.

Signed by the Speaker at 6:02 p.m., March 12, 1997: HB 162, HB 107, HB 11, HB 289, HB 288, HB 200, HB 290, HB 358, HB 215, HB 105, HB 18, HB 239, HB 292, HB 321, HB 206, HB 8.

Delivered to the Secretary of State at 2:00 p.m., March 13, 1997: HJR 3.

Delivered to the Governor for his approval at 1:30 p.m., March 13, 1997: HB 22, HB 66.

Delivered to the Governor for his approval at 2:05 p.m., March 13, 1997: HB 239, HB 18, HB 105, HB 215, HB 358, HB 290, HB 200, HB 288, HB 289, HB 11, HB 107, HB 162, HB 292, HB 321, HB 206, HB 8.

BUSINESS & LABOR (Simon, Chairman):

3/12/97

SB 88, be amended as follows:

1. Title, line 8.

Following: "DATE"

Insert: "AND A CONTINGENT VOIDNESS PROVISION"

2. Page 2, line 23.

Insert: "NEW SECTION. Section 2. Coordination instruction -- contingent voidness. If Senate Bill No. 75 is passed and approved and if Montana citizens vote in favor of annual legislative sessions in the subsequent election, then [this act] is void on the date that Senate Bill No. 75 becomes effective."

Renumber: subsequent section

And, as amended, be concurred in. Report adopted.

SB 112, be amended as follows:

1. Page 1, lines 15, 26, and 29.

Strike: "16"

Insert: "15"

2. Page 1, line 22.

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Following: "3103."

Insert: "[Section 15] also requires the commissioner to adopt rules that establish fees that are commensurate with those required under 33-22-708."

3. Page 3, lines 7 and 26.

Strike: "16"

Insert: "15"

4. Page 4, line 18.

Strike: "16"

Insert: "15"

5. Page 6, line 4.

Strike: "16"

Insert: "15"

6. Page 6, lines 6 through 11.

Strike: section 8 in its entirety

Re-number: subsequent sections

7. Page 7, line 27.

Strike: "16"

Insert: "15"

8. Page 8, line 15.

Strike: "9"

Insert: "8"

9. Page 11, lines 2, 15, and 16.

Strike: "16"

Insert: "15"

10. Page 11, line 12.

Following: "establish"

Insert: ": (a)"

11. Page 11, line 13.

Following: "contracts"

Insert: "; and"

(b) fees that are commensurate with fees charged pursuant to 33-2-708

And, as amended, be concurred in. Report adopted.

SB 120, be concurred in. Report adopted.

SB 226, be concurred in. Report adopted.

SB 229, be amended as follows:

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1. Page 1, line 26.

Strike: "PROVISIONAL"

2. Page 1, line 27.

Following: "counselor"

Insert: "exclusively"

Following: "CENTER"

Insert: "and"

And, as amended, be concurred in. Report adopted.

SB 245, be concurred in. Report adopted.

FISH, WILDLIFE, & PARKS (Wagner, Chairman):

3/12/97

SB 42, be concurred in. Report adopted.

SB 60, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

Senate bill passed and transmitted to the House for concurrence:

3/12/97

SB 89, introduced by Beck

**FIRST READING AND COMMITMENT
OF BILLS AND RESOLUTIONS**

The following House bill was introduced, read first time, and referred to committee:

HJR 30, introduced by Ahner, referred to Committee on Education.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Bankhead in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 109 - Representative Grinde moved consideration of SB 109 be placed at the bottom of the second reading board. Motion carried.

HB 136 - Representative Wiseman moved HB 136 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, J.

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Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 81

Noes: Boharski, Bookout, Brainard, Devaney, Dowell, Grinde, Heavy Runner, Hurdle, Jore, Kasten, Keenan, McCann, Prouse, Raney, Rehbein, Sliter, Smith, Vick.

Total 18

Excused: None.

Total 0

Absent or not voting: Molnar.

Total 1

HB 83 - Representative Bergsagel moved consideration of HB 83 be placed below HB 544 on the second reading board. Motion carried.

HB 544 - Representative Grady moved HB 544 do pass.

Representative Simon excused at this time.

Representative Anderson moved HB 544, second reading copy, be amended as follows (amendment #1):

1. Page 3.

Following: line 16

Insert: "(8) A person convicted in another state may not be confined in the state portion of a regional correctional facility in this state unless the confinement is under and governed by Title 46, chapter 19, part 3 or 4."

Representative Trexler moved for cloture. Motion carried.

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Bergman, Bergsagel, Brainard, Carey, Cobb, Cocchiarella, Curtiss, Devaney, Dowell, Ellingson, Ewer, Galvin, Gillan, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Hibbard, Hurdle, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Pease, Raney, Ream, Ryan, Sands, Schmidt, Simpkins, Simpson, Squires, Story, Swanson, Taylor, Tropila, Tuss, Vick, Wells, Whitehead, Wyatt, Mr. Speaker.

Total 56

Noes: Adams, Beaudry, Boharski, Bohlinger, Bookout, Clark, DeBruycker, Denny, Ellis, Feland, Grady, Grinde, Harrington, Hayne, Heavy Runner, Holland, J. Johnson, R. Johnson, Jore, Kasten, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Peck, Prouse, Quilici, Rehbein, Rose, Sliter, Smith, Soft, Stovall, Tash, Trexler, Wagner, Walters, Wiseman, Zook.

Total 42

Excused: Simon.

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Total 1

Absent or not voting: Bitney.

Total 1

Representative Simpkins moved for cloture. Motion carried.

Motion that HB 544 do pass, as amended, carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Ellis, Feland, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Keenan, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Prouse, Quilici, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 79

Noes: Barnhart, Brainard, Carey, Cobb, Dowell, Ewer, Galvin, Hurdle, Jore, Kasten, Kitzenberg, Kottel, McCulloch, Orr, Peck, Raney, Tropila, Tuss, Whitehead, Wyatt.

Total 20

Excused: Simon.

Total 1

Absent or not voting: None.

Total 0

HB 83 - Representative Bergsagel moved HB 83 do pass.

Representative Vick moved HB 83, second reading copy, be amended as follows (amendment #1):

1. Page 2, line 6.

Following: "~~(1)~~"

Insert: "(1)"

2. Page 2.

Following: line 10

Insert: "(2) A person convicted in another state may not be confined in a private correctional facility in this state unless the confinement is under and governed by Title 46, chapter 19, part 3 or 4."

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Bergsagel, Carey, Cocchiarella, Curtiss, Devaney, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, Holland, Hurdle, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mood, Ohs, Pavlovich, Pease, Prouse, Raney, Ream, Ryan, Sands, Schmidt, Simpkins, Simpson, Squires, Story, Swanson, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wyatt, Mr. Speaker.

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Total 59

Noes: Adams, Bitney, Boharski, Bookout, Brainard, Clark, Cobb, DeBruycker, Denny, Ellis, Feland, Grady, Grimes, Hayne, Heavy Runner, J. Johnson, R. Johnson, Jore, Kasten, Molnar, Orr, Rehbein, Rose, Smith, Soft, Stovall, Tash, Wagner, Walters, Whitehead, Wiseman, Zook.

Total 32

Excused: Simon.

Total 1

Absent or not voting: Beaudry, Bergman, Bohlinger, Grinde, Mills, Peck, Quilici, Sliter.

Total 8

Representative Cobb moved HB 83, second reading copy, be further amended as follows (amendment #2):

1. Page 7, line 16.

Strike: "REVIEW AND APPROVE"

2. Page 8, lines 2 and 3.

Strike: "A" on line 2 through "DEPARTMENT" on line 3

Insert: "an inmate classification system based on a validated objective classification system"

Amendment #2 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Raney, Ream, Rehbein, Ryan, Sands, Schmidt, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: None.

Total 0

Excused: Simon.

Total 1

Absent or not voting: Bohlinger, Ellingson, Grinde, Quilici, Rose, Sliter.

Total 6

Representative Boharski moved HB 83, second reading copy, be further amended as follows (amendment #3):

1. Page 6, line 19.

Following: "VOTE."

Insert: "If the proposed facility is to be located within the limits of a municipality, the department may not grant a license to a private correctional facility unless there has been a public hearing in the municipality and the

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local governing body approves the location of the private correctional facility by a majority vote. "

Amendment #3 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bookout, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Brainard, Clark, Heavy Runner, Rehbein.

Total 4

Excused: Simon.

Total 1

Absent or not voting: Bohlinger, Mood, Quilici.

Total 3

Motion that HB 83 do pass, as amended, carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 81

Noes: Bergman, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Hurdle, Kottel, McCulloch, Orr, Ream, Sands, Squires, Tropila, Tuss, Whitehead, Wyatt.

Total 17

Excused: Simon.

Total 1

Absent or not voting: Molnar.

Total 1

SB 48 - Representative Grinde moved consideration of SB 48 be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

HB 114 - Representative McCulloch moved HB 114 do pass. Motion carried as follows:

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Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Jore.

Total 1

Excused: Simon.

Total 1

Absent or not voting: Bookout, Holland.

Total 2

Representative Mood assumed the Chair at this time.

SB 99 - Representative McGee moved SB 99 be concurred in.

Representative Molnar moved SB 99, second reading copy, be amended as follows (amendment #1):

1. Page 3, lines 5 and 6.

Strike: "until" on line 5 through "age" on line 6

Insert: "for the time period of any incarceration included in the adult criminal sentence imposed"

Amendment #1 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Brainard, Carey, Clark, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Feland, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Raney, Rehbein, Rose, Ryan, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Zook.

Total 75

Noes: Barnhart, Cocchiarella, Ellingson, Ewer, Galvin, Hagener, Harper, Harrington, Hurdle, Kottel, Ream, Sands, Schmidt, Squires, Swanson, Tuss, Whitehead, Wyatt.

Total 18

Excused: Simon.

Total 1

Absent or not voting: Bankhead, Bookout, Cobb, Menahan, Quilici, Mr. Speaker.

Total 6

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Motion that SB 99, as amended, be concurred in carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Cobb, Curtiss, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Keenan, Knox, Kottel, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Prouse, Quilici, Rose, Ryan, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 69

Noes: Adams, Barnhart, Clark, Cocchiarella, DeBruycker, Denny, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Hurdle, Jore, Kitzenberg, Krenzler, Pease, Peck, Raney, Ream, Rehbein, Sands, Schmidt, Squires, Tropila, Tuss, Whitehead, Wyatt.

Total 29

Excused: Simon.

Total 1

Absent or not voting: Bankhead.

Total 1

SB 6 - Representative Tuss moved SB 6 be concurred in.

Representative Bankhead resumed the Chair at this time.

Motion to concur in SB 6 carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Clark, Curtiss, McGee, Rehbein, Wells.

Total 5

Excused: Simon.

Total 1

Absent or not voting: None.

Total 0

SB 15 - Representative McCulloch moved SB 15 be concurred in. Motion carried as follows:

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Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Arnott, Boharski, Jore, Orr, Vick, Walters.

Total 6

Excused: Simon.

Total 1

Absent or not voting: Feland, Hayne.

Total 2

SB 109 - Representative Menahan moved SB 109 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: Hurdle.

Total 1

Excused: Simon.

Total 1

Absent or not voting: None.

Total 0

SB 48 - Representative R. Johnson moved SB 48 be concurred in.

Representative Molnar moved SB 48, second reading copy, be amended (amendment #1).

Representative Cocchiarella moved to divide the amendment into two sections and to vote on each section separately. Motion carried.

Amendment #1, section #1 failed as follows: (22-75)

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Amendment #1, section #2 reads as follows:

1. Page 37, line 21.

Following: "so."

Insert: "The youth court personnel shall assist the parents to the most reasonably possible extent in implementing and enforcing interventions and consequences designed to modify the youth's behavior."

Amendment #1, section #2 carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: Simon.

Total 1

Absent or not voting: Swanson.

Total 1

Representative Molnar moved SB 48, second reading copy, be further amended as follows (amendment #2):

1. Title, page 2, line 21.

Following: "41-5-605,"

Insert: "41-5-703,"

Following: "41-5-802,"

Insert: "41-5-812."

4. Page 55, line 9.

Insert: "Section 48. Section 41-5-703, MCA, is amended to read:

"41-5-703. Powers and duties of probation officers. (1) A probation officer shall:

(a) perform the duties set out in 41-5-401;

(b) make predisposition studies and submit reports and recommendations to the court;

(c) supervise, assist, and counsel youth placed on probation or under his the probation officer's supervision, including enforcement of the terms of probation or intervention;

(d) implement and maintain public and private community and work projects engaged in by youth to pay fines, make restitution, and pay any other costs ordered by the court that are associated with youth delinquency or need for supervision;

~~(d)~~(e) perform any other functions designated by the court.

Renumber: subsequent section

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5. Page 55, line 28.

Insert: "Section 50. Section 41-5-812, MCA, is amended to read:

"41-5-812. Creation of regions -- requirements -- limitation on number of regions. (1) Counties that wish to establish a regional detention facility shall form a youth detention region.

(2) Each youth detention region must:

(a) be composed of contiguous counties participating in the regional detention facility; ~~and~~

(b) ~~include geographical areas of the state that contain a substantial percentage of the total youth population in need of detention services, as determined by the board of crime control.~~

(3) ~~There may be no more than five youth detention regions established in the state at any one time.~~"

Renumber: subsequent sections

6. Page 73, line 2.

Page 73, line 4.

Strike: "70"

Insert: "72"

Amendment #2 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Bergman, Bitney, Boharski, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Ellis, Grimes, Grinde, M. Hanson, Hayne, Hibbard, Holland, Jore, Keenan, Lawson, McGee, Mills, Molnar, Mood, Ohs, Orr, Prouse, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 49

Noes: Barnhart, Beaudry, Bergsagel, Bohlinger, Carey, Cocchiarella, Devaney, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, H.S. Hanson, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Masolo, McCann, McCulloch, Menahan, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.

Total 47

Excused: Simon.

Total 1

Absent or not voting: Feland, Grady, Marshall.

Total 3

Representative Molnar moved SB 48, second reading copy, be further amended as follows (amendment #3):

1. Page 40, line 20.

Following: "(1)"

Insert: "(1)"

2. Page 40, line 24.

Strike: "(1)"

Insert: "(a)"

Renumber: subsequent subsections

3. Page 41, line 11.

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Strike: "(a)"

Insert: "(i)"

Renumber: subsequent subsection

4. Page 42, line 10.

Strike: "(3)"

Insert: "(1)(c)"

5. Page 42, line 29.

Strike: "(a)"

Insert: "(i)"

Renumber: subsequent subsections

6. Page 46, line 2.

Insert: "(2) (a) A misdemeanor counts as 1 point, and a felony counts as 3 points. Upon accumulating 3 points, a youth must be considered a youth at risk. Upon accumulating 9 points, the youth must be placed in a secure detention facility or a state correctional facility for 45 days of observation and counseling. The staff of the facility must be trained in youth counseling. The youth must be segregated from other youth as much as possible.

(b) Upon accumulating 10 points, a youth must be designated as a habitual offender and must be placed in a state youth correctional facility for no less than 90 days.

(c) If the court finds that a habitual offender commonly entices or assists other youth to perform illegal acts or has accumulated 13 points, the youth must be designated as a serious habitual offender and must be placed in a state youth correctional facility for no less than 180 days.

(d) (i) Law enforcement, educational, and social service agencies, the court, and other agencies and entities involved with a youth who is found by the court or believed by the agency or entity to be a youth at risk, a habitual offender, or a serious habitual offender shall provide the chief youth court probation officer for the county in which the youth resides with any information in the possession of the agency or entity that indicates that the youth is a youth at risk, a habitual offender, or a serious habitual offender.

(ii) The chief youth court probation officer shall disseminate the information to agencies and entities that the officer believes should receive it. The information is otherwise confidential and may not be further disseminated.

(iii) A person who knowingly further disseminates the information commits a criminal offense and upon conviction shall be fined an amount not to exceed \$5,000. If the person is an employee of the state or of a local government, the employer may discharge the employee because of the conviction.

(iv) The youth or a parent or guardian of the youth may inspect and copy the information and may include with the information a response to any piece of information. The response must be disseminated with the information.

(v) An agency or entity that no longer needs information disseminated to it shall return the information to the chief youth court probation officer if it is printed information and shall delete the information from its computer files if the information is computerized.

(3) If a youth who is serving time in a state youth correctional facility because the youth was found to be a habitual offender or a serious habitual offender needs and is willing to accept treatment for mental, emotional, behavioral, substance abuse, or similar problems, the youth may be transferred to a residential treatment facility and shall remain there until discharged, but not until after the youth has served at least one-half of the imposed detention period. A youth who does not respond to treatment shall finish the period of detention in a state youth correctional facility.

(4) Health, education, welfare, and other agencies involved with the youth shall ensure that funding for the youth follows the youth to the location in which the youth is placed and that the funding is assigned

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to the appropriate agency or entity.

(5) The department shall confine the youth in whatever institution it considers proper, including a state youth correctional facility under the procedures of 52-5-111. However, a youth under 16 years of age may not be confined in the state prison or the women's correctional system."

7. Page 46, line 7.

Strike: "(3)(b) or (14)(a)"

Insert: "(1)(c)(ii) or (1)(n)(i)"

8. Page 47, line 8.

Strike: "(3)(b)"

Insert: "(1)(c)(ii)"

9. Page 48, line 29.

Strike: "(14)(a)"

Insert: "(1)(n)(i)"

Amendment #3 passed as follows:

Ayes: Adams, Ahner, Arnott, Bankhead, Barnett, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Ellis, Feland, Grady, Grimes, Grinde, M. Hanson, Hayne, Hibbard, Holland, Jore, Knox, Lawson, McCann, McGee, Mills, Molnar, Mood, Ohs, Orr, Prouse, Rehbein, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 52

Noes: Anderson, Barnhart, Beaudry, Bergsagel, Carey, Cocchiarella, Devaney, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, H.S. Hanson, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Kottel, Krenzler, Marshall, Masolo, McCulloch, Menahan, Pavlovich, Pease, Peck, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.

Total 44

Excused: Simon.

Total 1

Absent or not voting: Keenan, Quilici, Vick.

Total 3

Motion to concur in SB 48, as amended, carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Cobb, Curtiss, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Peck, Prouse, Quilici, Raney, Rose, Ryan, Schmidt, Simpkins, Sliter, Smith, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 68

Noes: Adams, Barnhart, Carey, Clark, Cocchiarella, DeBruycker, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Jore, Kasten, Kottel, McCulloch, Pavlovich,

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Pease, Ream, Rehbein, Sands, Simpson, Squires, Tuss, Whitehead, Wyatt.
Total 31

Excused: Simon.
Total 1

Absent or not voting: None.
Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Bankhead moved that the Committee of the Whole report be adopted. Report adopted. (77-20)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 100 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Vick, Wagner, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 88

Noes: Bookout, Brainard, Denny, Heavy Runner, Hurdle, Keenan, Pavlovich, Pease, Tropila, Tuss, Walters.
Total 11

Excused: None.
Total 0

Absent or not voting: Taylor.
Total 1

HB 125 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.
Total 88

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Noes: Brainard, Galvin, Hagener, Heavy Runner, Hurdle, Kottel, Krenzler, Pease, Schmidt, Tuss, Whitehead, Wyatt.

Total 12

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 208 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 82

Noes: Cobb, Galvin, Hagener, Heavy Runner, Hurdle, Jore, Kasten, Keenan, Krenzler, Orr, Pavlovich, Pease, Rehbein, Simpson, Wagner, Whitehead.

Total 16

Excused: None.

Total 0

Absent or not voting: Adams, Tuss.

Total 2

HB 405 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Knox, Kottel, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Ohs, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Simon, Simpkins, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 84

Noes: Bankhead, Brainard, Curtiss, Denny, Hayne, Jore, Keenan, Kitzenberg, Krenzler, Mood, Orr, Pavlovich, Prouse, Schmidt, Simpson, Wagner.

Total 16

Excused: None.

Total 0

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Absent or not voting: None.

Total 0

HB 559 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Ewer, Feland, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, R. Johnson, Jore, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Peck, Prouse, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 85

Noes: Cocchiarella, Ellingson, Galvin, Hagener, Heavy Runner, J. Johnson, Keenan, Pavlovich, Pease, Quilici, Simpson, Tropila, Tuss, Whitehead, Wyatt.

Total 15

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 106 concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tuss, Vick, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 85

Noes: Adams, Brainard, Clark, Heavy Runner, Hurdle, Jore, Keenan, Orr, Pavlovich, Pease, Rehbein, Simpson, Tropila, Wagner, Whitehead.

Total 15

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 256 concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski,

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Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 79

Noes: Adams, Brainard, Feland, M. Hanson, Heavy Runner, Hurdle, Jore, Kasten, Keenan, Krenzler, Molnar, Mood, Orr, Pease, Prouse, Rehbein, Tropila, Tuss, Vick, Wagner, Whitehead.

Total 21

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 303 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Bankhead, Beaudry, Brainard, Grinde, Rehbein, Wagner.

Total 6

Excused: None.

Total 0

Absent or not voting: Dowell.

Total 1

MOTIONS

HB 272 - Representative McGee moved HB 272 be taken from the table in the Committee on Select Corrections, printed, and placed on second reading this legislative day.

Representative Keenan moved for previous question. Motion carried.

Motion to move HB 272 from the table failed. (48-52)

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HB 83 - Representative Barnett moved he be allowed to change his vote on HB 83, second reading, from abstain to aye. Motion carried.

SPECIAL ORDERS OF THE DAY

The following sponsors were added to HJR 29: Representative McCulloch.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Friday, March 14, 1997. Motion carried.

House adjourned at 12:38 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL
FIFTY-SIXTH LEGISLATIVE DAY**

Helena, Montana
March 14, 1997

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Trexler. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives Clark, H. Hanson, J. Johnson, McCann, Mood, Peck, Ryan, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman):

3/14/97

Correctly printed for second reading: SB 229, SB 112, SB 88, SB 226, SB 245, SB 120, SB 60, SB 42, HB 5.
Correctly engrossed for third reading: SB 48, SB 99, SB 109, SB 15, SB 6, HB 544, HB 83, HB 136, HB 114.
Correctly enrolled: HB 7, HB 42, HB 64, HB 205, HB 214, HB 225, HB 227, HB 262, HB 310, HB 350, HB 367, HB 385, HJR 10.

Signed by the Speaker at 1:37 p.m., March 13, 1997: HB 392, HB 211, HB 60, HB 108.

Signed by the Speaker at 5:30 p.m., March 13, 1997: HB 152, HB 98, HB 370, HB 195, HB 359, HB 40, HB 311.

APPROPRIATIONS (Zook, Chairman):

3/14/97

HB 5, introduced bill, be amended as follows:

1. Title, line 7.

Following: "APPROPRIATIONS;"

Insert: "AMENDING SECTION 6, CHAPTER 547, LAWS OF 1995;"

2. Page 1, line 19.

Following: "appropriations."

Insert: "(1)"

3. Page 1, line 26.

Strike: line 26 in its entirety.

4. Page 2, line 1.

Insert: "Historic Restoration, Montana State Capitol 100,000

Health Safety/Code Compliance, Statewide 408,000"

5. Page 2, line 6.

Strike: "1,450,000"

Insert: "1,846,580"

6. Page 2, line 11.

Strike: line 11 in its entirety.

Insert: "One Regional Correctional Facility 3,251,547 Federal Special Revenue"

7. Page 2, following line 11.

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Insert: "192-Bed Expansion,
MSP, Deer Lodge 6,560,000 Federal Special Revenue

Spiritual Activity Center, WCC
Authority Only 350,000 Donations"

8. Page 2, line 14.

Strike: "753,847"

Insert: "553,847"

9. Page 2, following line 14.

Insert: "200,000 Federal Special Revenue"

10. Page 2, line 16.

Strike: "1,250,000"

Insert: "950,000"

11. Page 2, line 20.

Strike: "87,000"

Insert: "23,490"

12. Page 2, following line 20.

Insert: "63,510 Federal Special Revenue"

13. Page 2, line 22.

Strike: "300,000"

Insert: "150,000"

14. Page 2, line 23.

Strike: "300,000"

Insert: "275,000"

15. Page 2, following line 24.

Insert: "Army Aviation Support Facility
Maintenance 39,578

Bozeman Armory ADA Modifications 50,000

Armed Forces Reserve Center,
Billings 3,000,000 Federal Special Revenue"

16. Page 2, line 30.

Strike: "300,000"

Insert: "356,400"

17. Page 3, line 1.

Strike: "3,944,000"

Insert: "2,510,219"

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18. Page 3, following line 1.

Insert: "Repair/Replace Primary Electrical Distribution,
MSU-Northern 122,000 Auxiliary

Rural Technological Center Planning,
UM-Dillon 75,000

Chemistry Building Renovation,
UM-Montana Tech 750,000 Donations"

19. Page 3, line 10.

Strike: "2,535,000"

Insert: "1,910,000"

20. Page 3, following line 10.

Insert: "(2) If any bonded funding authorized in House Bill No. 14 for the critical project requirements portion of the capitol restoration project is not needed because of a reduction in costs for the approved project, funding may be used for historic restoration of the Montana state capitol.

(3) The \$600,000 appropriation and authority for the Xanthopoulos building renovation project at MSP, Warm Springs, is contingent on the construction of a new state hospital at Warm Springs.

(4) In regard to the construct parks interpretive center project at Ulm Pishkun, it is the intent of the 55th legislature that the sovereign nations be offered the opportunity for economic benefits, for example the option to sell souvenirs."

21. Page 3, line 20.

Following: "(1)"

Insert: "(a)"

22. Page 3, line 24.

Strike: "\$690,000"

Insert: "\$535,000"

23. Page 3, line 25.

Strike: "1,000,000"

Insert: "1,200,000"

24. Page 3, line 26.

Strike: "305,500"

Insert: "815,000"

25. Page 3, line 28.

Strike: "1,768,000"

Insert: "2,068,000"

26. Page 3, line 30.

Strike: "450,000"

Insert: "350,000"

27. Page 4, following line 7.

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Insert: "(b) The total amount authorized for cultural and historic parks improvements is \$690,000. The reduced appropriation reflects \$155,000 in lodging facilities tax revenue that is allocated to the department of fish, wildlife, and parks and that is statutorily appropriated under 15-65-121 for maintenance of facilities in state parks.

(c) Of the \$1,200,000 appropriated to the department of fish, wildlife, and parks for the future fisheries improvement program, \$75,000 is to be used for the PN bridge and campground - streambank erosion control project sponsored by Chouteau and Fergus Counties.

(d) The appropriation of \$225,000 in capitol land grant revenue to the department of fish, wildlife, and parks is the last priority for use of these funds during the 1999 biennium. If necessary, the project may be phased in as capitol land grant revenue becomes available."

28. Page 4, line 15.

Strike: line 15 in its entirety.

29. Page 4, line 17.

Following: "(3)"

Insert: "(a)"

30. Page 4, line 20.

Strike: "\$5,000,000 Auxiliary"

Insert: "\$19,000,000 Academic Building Fee, Indirect Cost Recovery,
Federal, Private, Plant Funds"

31. Page 4, following line 20.

Insert: "(b) It is the intent of the 55th legislature that at least 50% of all future operations and maintenance costs for the classroom-laboratory building authorized in the amount of \$19,000,000 at MSU-Bozeman be funded by Montana state university and that no more than 50% be funded with general fund money."

32. Page 4, following line 25.

Insert: "Renovate Main Hall Auditorium,
UM-Dillon 1,250,000 Donations"

33. Page 5, following line 21.

Insert: "Section 9. Section 6, Chapter 547, Laws of 1995, is amended to read:

The appropriations to the department of natural resources and conservation on page 3194, Laws of 1995, are amended to read:

"Tongue River Dam Rehabilitation ~~\$3,500,000~~ \$2,868,473"

NEW SECTION. Section 10. Transfer of funds. Any general fund reversions for fiscal year 1997 in excess of \$15.9 million and any general fund reversions for fiscal year 1998 in excess of \$5 million must be transferred to the long-range building program account to be used to fund capital projects."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

FISH, WILDLIFE, & PARKS (Wagner, Chairman):
SB 287, be amended as follows:

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1. Title, line 7.
Strike: "THIRD"
Insert: "SECOND"

2. Page 3, line 18.
Strike: "THIRD"
Insert: "second"

3. Page 3, line 21.
Strike: "THIRD"
Insert: "second"

And, as amended, be concurred in. Report adopted.

JUDICIARY (Clark, Chairman):
SB 44, be amended as follows:

3/14/97

1. Page 1, line 14.
Strike: " "
Insert: "or"

2. Page 1, line 15.
Strike: " , or the number of separate premiums paid"

3. Page 1.
Following: line 30
Insert: "(3) Regardless of the number of motor vehicles insured under a policy or of the number of policies issued by the same company covering an insured, a company may not charge duplicate premiums for coverage for the same element of loss."
Renumber: subsequent subsection

And, as amended, be concurred in. Report adopted.

SB 216, be amended as follows:

1. Page 3, line 11.
Following: "that"
Insert: "were or"

2. Page 3, line 15.
Insert: "NEW SECTION. Section 4. Coordination instruction. If House Bill No. 222 is passed and approved and if it includes a section that amends the first sentence of subsection (2) of 46-21-105, then the amendments in House Bill No. 222 to the first sentence of subsection (2) of 46-21-105 are void."
Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

SB 232, be concurred in. Report adopted.

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SB 277, be concurred in. Report adopted.

HB 122, Senate amendments to HB 122, recommend that the House reject the amendments.

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MESSAGES FROM THE SENATE

House bills concurred in and returned to the House:

3/13/97

HB 7, introduced by Bergsagel
HB 42, introduced by Cobb
HB 64, introduced by Ewer
HB 205, introduced by R. Johnson
HB 214, introduced by Grady
HB 225, introduced by Kitzenberg
HB 227, introduced by Kottel
HB 262, introduced by Barnett
HB 310, introduced by Pavlovich
HB 350, introduced by Beaudry
HB 367, introduced by Beaudry
HB 385, introduced by McCulloch

House joint resolution concurred in and returned to the House:

3/13/97

HJR 10, introduced by Hibbard

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 3/13/97

HB 172, introduced by Soft
HB 185, introduced by Bergsagel
HB 199, introduced by Knox

HB 234, introduced by Bitney, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, concurred in as amended, and returned to the House for concurrence in Senate amendments on 3/13/97, with the following votes:

YEAS - 37
NAYS - 13

MESSAGES FROM THE GOVERNOR

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 13, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 23 sponsored by Representative Ohs on March 13, 1997.

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Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 13, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 70 sponsored by Representative Hibbard et al. on March 13, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 13, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 71 sponsored by Representative Mood on March 13, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 13, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 82 sponsored by Representative Hibbard on March 13, 1997.

Sincerely,

MARC RACICOT
Governor

FIRST READING AND COMMITMENT

HOUSE JOURNAL
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OF BILLS AND RESOLUTIONS

The following House bills were introduced, read first time, and referred to committees:

HB 606, introduced by Hurdle, referred to Committee on Taxation.

HB 607, introduced by Grinde, referred to Committee on Natural Resources.

HB 608, introduced by Grimes, Simon, Bohlinger, Sands, Soft, Krenzler, Prouse, (by request of the Committee on Human Services and Aging) referred to Committee on Human Services.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Krenzler in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 31 - Representative Kottel moved SB 31 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Cobb, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Adams, Barnhart, Cocchiarella, Ellingson, R. Johnson, Jore, Ream, Sands, Simpson, Squires.

Total 10

Voted Absentee: H.S. Hanson, J. Johnson, McCann, Mood, Peck, Ryan, Ayes.

Excused: Clark.

Total 1

Absent or not voting: None.

Total 0

SB 46 - Representative Molnar moved SB 46 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr,

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Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Beaudry, Cobb, Heavy Runner, Jore.

Total 4

Voted Absentee: H.S. Hanson, J. Johnson, McCann, Mood, Peck, Ryan, Ayes.

Excused: Clark.

Total 1

Absent or not voting: None.

Total 0

SB 29 - Representative Anderson moved SB 29 be concurred in.

Representative Anderson moved consideration of SB 29 be placed at the bottom of the second reading board.
Motion carried.

SB 66 - Representative Ewer moved SB 66 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: Arnott, Jore.

Total 2

Voted Absentee: H.S. Hanson, J. Johnson, McCann, Mood, Peck, Ryan, Ayes.

Excused: Clark.

Total 1

Absent or not voting: None.

Total 0

SB 104 - Representative Devaney moved SB 104 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Cobb, Cocchiarella, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer,

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Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Arnott, Curtiss, DeBruycker, Holland, Jore, Orr, Sliter, Vick, Wagner.

Total 9

Voted Absentee: H.S. Hanson, J. Johnson, McCann, Mood, Peck, Ryan, Ayes.

Excused: Clark.

Total 1

Absent or not voting: None.

Total 0

SB 108 - Representative Ohs moved SB 108 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Arnott, Brainard, DeBruycker, Jore, Prouse, Whitehead.

Total 6

Voted Absentee: Clark, H.S. Hanson, J. Johnson, McCann, Mood, Peck, Ryan, Ayes.

Excused: None.

Total 0

Absent or not voting: Grinde, Heavy Runner, Simon.

Total 3

SB 124 - Representative Denny moved SB 124 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann,

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McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 86

Noes: Adams, Arnott, Boharski, Brainard, DeBruycker, Jore, Kasten, Keenan, Orr, Prouse, Vick, Wagner.
Total 12

Voted Absentee: H.S. Hanson, J. Johnson, McCann, Mood, Peck, Ryan, Ayes.

Excused: Clark.

Total 1

Absent or not voting: Grinde.

Total 1

SB 142 - Representative Pease moved SB 142 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 94

Noes: Bergsagel, Hayne, McGee, Simpson, Walters.
Total 5

Voted Absentee: H.S. Hanson, J. Johnson, McCann, Mood, Peck, Ryan, Ayes.

Excused: Clark.

Total 1

Absent or not voting: None.

Total 0

SB 158 - Representative Arnott moved SB 158 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor,

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Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 98

Noes: Pavlovich.
Total 1

Voted Absentee: H.S. Hanson, J. Johnson, McCann, Mood, Peck, Ryan, Ayes.

Excused: Clark.
Total 1

Absent or not voting: None.
Total 0

SB 160 - Representative Sands moved SB 160 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Molnar, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 96

Noes: DeBruycker, Mills.
Total 2

Voted Absentee: H.S. Hanson, J. Johnson, McCann, Peck, Ryan, Ayes.

Excused: Clark, Mood.
Total 2

Absent or not voting: None.
Total 0

SB 29 - Representative Anderson moved consideration of SB 29 be passed for the day. Motion carried.

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Krenzler moved that the Committee of the Whole report be adopted. Report adopted. (82-3)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

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HB 102 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, Hagener, M. Hanson, Harrington, Hayne, Heavy Runner, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McGee, Menahan, Molnar, Mood, Ohs, Pavlovich, Prouse, Quilici, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 72

Noes: Brainard, Carey, Cobb, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Harper, Hurdle, J. Johnson, Kitzenberg, Kottel, McCulloch, Mills, Orr, Pease, Raney, Simpson, Squires, Tropila, Tuss, Wells, Whitehead.
Total 25

Voted Absentee: McCann, Mood, Ryan, Ayes; J. Johnson, No.

Excused: Clark, H.S. Hanson, Peck.
Total 3

Absent or not voting: None.
Total 0

HB 114 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 96

Noes: Jore.
Total 1

Voted Absentee: J. Johnson, McCann, Mood, Peck, Ryan, Ayes.

Excused: Clark, H.S. Hanson.
Total 2

Absent or not voting: Denny.
Total 1

HB 136 passed as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergsagel, Bitney, Boharski, Bohlinger, Carey, Cobb,

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Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 81

Noes: Adams, Arnott, Barnhart, Bookout, Brainard, Dowell, Grinde, Heavy Runner, Hurdle, Jore, McCann, Prouse, Raney, Rehbein, Smith, Vick.

Total 16

Voted Absentee: J. Johnson, Mood, Peck, Ryan, Ayes; McCann, No.

Excused: Clark, H.S. Hanson.

Total 2

Absent or not voting: Bergman.

Total 1

SB 2 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McGee, Mills, Molnar, Mood, Ohs, Orr, Prouse, Raney, Rehbein, Rose, Ryan, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Zook, Mr. Speaker.

Total 66

Noes: Barnhart, Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kottel, McCulloch, Menahan, Pavlovich, Pease, Quilici, Ream, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.

Total 30

Voted Absentee: McCann, Mood, Ryan, Ayes; J. Johnson, No.

Excused: Clark, H.S. Hanson, Peck.

Total 3

Absent or not voting: Wiseman.

Total 1

SB 6 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, M. Hanson, Harper,

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Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: McGee, Vick, Wells.

Total 3

Voted Absentee: J. Johnson, McCann, Mood, Peck, Ryan, Ayes.

Excused: Clark, H.S. Hanson.

Total 2

Absent or not voting: None.

Total 0

SB 15 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: Arnott, Boharski, Curtiss, Hayne, Jore, Keenan, Orr, Rehbein, Vick, Walters.

Total 10

Voted Absentee: J. Johnson, McCann, Mood, Peck, Ryan, Ayes.

Excused: Clark, H.S. Hanson.

Total 2

Absent or not voting: None.

Total 0

SB 109 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr,

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Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Hurdle.

Total 1

Voted Absentee: J. Johnson, McCann, Mood, Peck, Ryan, Ayes.

Excused: Clark, H.S. Hanson.

Total 2

Absent or not voting: Heavy Runner.

Total 1

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 8:00 a.m., Saturday, March 15, 1997. Motion carried.

House adjourned at 2:03 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

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Helena, Montana
March 15, 1997

House Chambers
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Arnott. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives Clark, Ellis, Kitzenberg, McCann, Pease, Ryan, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman):

3/15/97

Correctly printed for second reading: SB 277, SB 232, SB 287, SB 216, SB 44.

Correctly engrossed for third reading: SB 104, SB 160, SB 158, SB 142, SB 124, SB 108, SB 66, SB 31, SB 46.

Correctly enrolled: HB 314, HB 257, HB 330.

Examined by the sponsor and found to be correct: HB 7, HB 42, HB 64, HB 69, HB 205, HB 214, HB 225, HB 227, HB 257, HB 262, HB 310, HB 314, HB 330, HB 340, HB 367, HB 350, HB 385, HB 441, HJR 10.

Signed by the Speaker at 3:16 p.m., March 15, 1997: HB 69, HB 441, HB 340, HB 64, HB 367, HB 350, HB 227, HB 214, HB 262, HB 205, HB 225, HB 42, HB 385, HB 310, HB 7, HJR 10.

BUSINESS & LABOR (Simon, Chairman):

3/14/97

SB 34, be concurred in. Report adopted.

SB 67, be amended as follows:

1. Title, page 1, line 9.

Following: "~~FOR~~"

Insert: "ELIMINATING THE AUTHORITY OF THE STATE FUND TO ADMINISTER OR PAY CLAIMS FOR INJURIES FROM ACCIDENTS OCCURRING ON OR BEFORE JULY 1, 1990, EXCEPT PURSUANT TO A CONTRACT AUTHORIZED BY THE LEGISLATIVE FINANCE COMMITTEE;"

2. Title, page 1, line 22.

Following: "~~BENEFITS~~"

Insert: "INCREASING ACCESS TO REHABILITATION BENEFITS;"

3. Title, page 2, line 10.

Following: "~~39-71-1006,~~"

Insert: "39-71-1006,"

4. Page 2, lines 17 through 21.

Strike: lines 17 through 21 in their entirety

5. Page 3, line 5.

Following: "~~SHALL~~"

Insert: ", no later than June 30, 1998,"

6. Page 3, line 15.

Following: the first "FUND"

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Insert: "by June 30, 1999,"

7. Page 8, line 18.

Following: "(2)"

Strike: "'ADMINISTER"

Insert: "For claims relating to injuries resulting from accidents occurring on or after July 1, 1990, "administer"

8. Page 19.

Following: line 13

Insert: "Section 14. Section 39-71-1006, MCA, is amended to read:

"39-71-1006. Rehabilitation benefits. (1) A disabled worker as defined in 39-71-1011 is eligible for rehabilitation benefits if:

(a) the worker has an actual wage loss or a whole person impairment rating of 15% or greater as a result of the injury;

(b) a rehabilitation provider, as designated by the insurer, certifies that the injured worker has reasonable vocational goals and reasonable reemployment opportunity ~~and~~. If eligible because of an impairment rating of 15% or more, with rehabilitation the worker will have a reasonable increase in the worker's wage compared to the wage that the worker received at the time of injury. If eligible because of a wage loss, the worker will have a reasonable reduction in the worker's actual wage loss with rehabilitation; and

(c) a rehabilitation plan agreed upon by the injured worker and the insurer is filed with the department. The plan must take into consideration the worker's age, education, training, work history, residual physical capacities, and vocational interests. The plan must specify a beginning and completion date. If the plan calls for the expenditure of funds under 39-71-1004, the department shall authorize the department of public health and human services to use the funds.

(2) After filing the rehabilitation plan with the department, the disabled worker is entitled to receive biweekly compensation benefits at the injured worker's temporary total disability rate. The benefits must be paid for the period specified in the rehabilitation plan, not to exceed 104 weeks. The rehabilitation plan must be completed within 26 weeks of the completion date specified in the plan. Rehabilitation benefits must be paid biweekly while the worker is satisfactorily progressing in the agreed-upon rehabilitation plan. Benefits under this section are not subject to the lump-sum provisions of 39-71-741.

(3) A worker may not receive temporary total benefits and the benefits under subsection (2) during the same period of time.

(4) A rehabilitation provider authorized by the insurer shall continue to assist the injured worker until the rehabilitation plan is completed.

(5) To be eligible for benefits under this section, a worker is required to begin the rehabilitation plan within 78 weeks of reaching maximum medical healing.

(6) A worker may not receive both wages and rehabilitation benefits without the written consent of the insurer. A worker who receives both wages and rehabilitation benefits without written consent of the insurer is guilty of theft and may be prosecuted under 45-6-301."

Renumber: subsequent sections

9. Page 21, line 1.

Following: "functions"

Insert: "to administer and pay claims for injuries resulting from accidents occurring on or after July 1, 1990"

10. Page 22, line 7.

Following: line 6

Insert: "(11) enter into a contract authorized by the legislative finance committee, after consultation with the legislative auditor and the budget director, to administer and pay claims for injuries resulting from accidents

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that occurred on or before July 1, 1990;"

Renumber: subsequent subsection

11. Page 23, line 26.

Following: "fund"

Insert: "-- contract required for administration or payment of claims for accidents occurring on or before July 1, 1990"

12. Page 24.

Following: line 7

Insert: "(3) The state fund may not administer or pay claims for injuries resulting from accidents that occurred on or before July 1, 1990, unless authorized pursuant to a contract entered into under 39-71-2316."

13. Page 26, lines 28 through 30.

Following: "occurred" on line 28

Strike: "before July 1, 1990, and"

Following: "1990"

Strike: "-- spending limit"

Following: "(1)"

Strike: remainder of line 28 through "1990." on line 30

14. Page 27, lines 6 and 7

Strike: line 6 through "that" on line 7

15. Page 27, line 10.

Following: first "that"

Strike: line 10 through second "that"

16. Page 27, lines 12 and 13.

Following: "(3)"

Strike: remainder of line 12 through "1990" on line 13

Insert: "The state fund may not administer or pay claims for injuries resulting from accidents that occurred on or before July 1, 1990, unless authorized pursuant to a contract entered into under 39-71-2316"

17. Page 33, line 24 through page 34, line 11.

Following: "(1)"

Strike: remainder of line 24 through "2007" on page 34, line 11

Insert: "On July 1, 1998, the state fund may only pay claims for injuries resulting from accidents that occurred on or before July 1, 1990, pursuant to a contract authorized under 39-71-2316"

18. Page 34, line 12.

Strike: "(3)"

Insert: "(2)"

Renumber: subsequent subsections

19. Page 34, line 17.

Strike: "(7)(E)"

Insert: "(6)(e)"

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20. Page 35, line 19.

Following: "CLAIMS"

Insert: "pursuant to a contract authorized under 39-71-2316"

21. Page 35, line 21.

Strike: "~~(7)(B)(I) AND (7)(B)(II)~~"

Insert: "(6)(b)(i) and (6)(b)(ii)"

22. Page 36, line 7.

Strike: "~~(5)~~"

Insert: "(4)"

23. Page 36, line 13.

Strike: "~~(7)(B)~~"

Insert: "(6)(b)"

24. Page 36, line 21.

Strike: "~~(7)(H)~~"

Insert: "(6)(h)"

25. Page 38, line 22 and 23.

Following: "9" on line 22

Strike: remainder of line 22 through "30(1)" on line 23

Insert: "15, 17, 18, 20, 21, 23, 25 through 28, 30, and 31(1)"

26. Page 38, lines 24 and 25 and 26.

Following: "12"

Strike: "~~13~~"

Insert: "through 14"

27. Page 38, line 27.

Strike: "~~18, 21, 23, AND 30(2)~~"

Insert: "19, 22, and 31(2)"

28. Page 38, line 28.

Strike: "~~27~~"

Insert: "28"

29. Page 38, line 29.

Strike: "Section" through "15"

Insert: "Sections 16 and 24"

Strike: "is"

Insert: "are"

30. Page 38, line 30.

Strike: "~~31, 32, 34~~"

Insert: "32, 33, 35"

31. Page 39, line 3.

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Strike: "17"
Insert: "18"

32. Page 39, line 4.

Strike: "22"
Insert: "23"
Strike: "27"
Insert: "28"

33. Page 39, line 5.

Strike: "14"
Insert: "15"

And, as amended, be concurred in. Report adopted.

SB 116, be concurred in. Report adopted.

SB 148, be concurred in. Report adopted.

TAXATION (Hibbard, Chairman):

3/14/97

HB 433, introduced bill, do pass. Report adopted.

HB 590, introduced bill, be amended as follows:

1. Title, line 7.

Following: "ELECTORATE;"

Insert: "AMENDING THE PROPERTY TAX LIMITATIONS IMPLEMENTING INITIATIVE MEASURE NO. 105 BY CHANGING THE EXCEPTIONS TO THE LIMITATIONS; PROVIDING THAT PROPERTY TAXES ARE CAPPED AT 1996 LEVELS; PROVIDING THAT A TAXING UNIT THAT LOST REVENUE DUE TO THE RATE CHANGE OF THIS ACT MAY INCREASE MILL LEVIES TO RETURN TO ITS 1996 REVENUE LEVEL; PROVIDING THAT THE ELECTORS OF A TAXING UNIT MAY AUTHORIZE MILL LEVIES THAT EXCEED THE LIMITATIONS OF TITLE 15, CHAPTER 10, PART 4, MCA;"

2. Title, line 8.

Following: "15-6-143,"

Insert: "15-10-401, 15-10-402,"

Strike: the first "AND"

Following: "15-10-412,"

Insert: "AND 15-36-323,"

3. Page 4, line 13.

Strike: "Voter approval for taxing"

Insert: "Taxing"

Strike: "to"

Insert: "may"

4. Page 4, line 15.

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Strike: "if authorized by the electorate of the taxing jurisdiction"

5. Page 4, line 17.

Strike: "(a)"

6. Page 4, line 19.

Page 4, line 24.

Strike: "1998"

Insert: "1997"

7. Page 4, line 20.

Strike: "1997"

Insert: "1996"

Strike: "electorate may authorize the"

Insert: "taxing unit may"

Following: "levy"

Strike: "of"

8. Page 4, line 22.

Page 4, line 24.

Strike: "1997"

Insert: "1996"

9. Page 4, line 23.

Strike: "(b)"

Insert: "(a)"

10. Page 4, line 28.

Strike: "(3)"

Insert: "(b)"

11. Page 4, line 30.

Insert: "Section 5. Section 15-10-401, MCA, is amended to read:

"15-10-401. Declaration of policy. (1) The state of Montana's reliance on the taxation of property to support education and local government has placed an unreasonable burden on the owners of all classes ~~three, four, six, nine, twelve, and fourteen~~ of property, as ~~those classes are defined~~ described in Title 15, chapter 6, part 1.

~~(2) The legislature's failure to give local governments and local school districts the flexibility to develop alternative sources of revenue will only lead to increases in the tax burden on the already overburdened property taxpayer.~~

~~(3) The legislature is the appropriate forum to make the difficult and complex decisions to develop:~~

~~(a) a tax system that is fair to property taxpayers; and~~

~~(b) a method of providing adequate funding for local government and education.~~

~~(4) The legislature has failed in its responsibility to taxpayers, education, and local government to relieve the tax burden on property classes three, four, six, nine, twelve, and fourteen.~~

~~(5)~~(2) The people of the state of Montana declare it is the policy of the state of Montana that no further property tax increases be imposed on property ~~classes three, four, six, nine, twelve, and fourteen~~ as provided in 15-10-412."

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Section 6. Section 15-10-402, MCA, is amended to read:

"15-10-402. Property tax limited to ~~1986~~ 1996 levels. ~~(1)~~ Except as provided in subsections ~~(2)~~ and ~~(3)~~ 15-10-412, the amount of taxes levied on property described in ~~15-6-133, 15-6-134, and 15-6-136~~ Title 15, chapter 6, part 1, may not, for any taxing jurisdiction, exceed the amount levied for taxable tax year ~~1986~~ 1996.

~~(2) The limitation contained in subsection (1) does not apply to levies for rural improvement districts, Title 7, chapter 12, part 21; special improvement districts, Title 7, chapter 12, part 41; elementary and high school districts, Title 20; juvenile detention programs authorized under 7-6-502; or bonded indebtedness.~~

~~(3) New construction or improvements to or deletions from property described in subsection (1) are subject to taxation at 1986 levels.~~

~~(4) As used in this section, the "amount of taxes levied" and the "amount levied" mean the actual dollar amount of taxes imposed on an individual piece of property, notwithstanding an increase or decrease in value due to inflation, reappraisal, adjustments in the percentage multiplier used to convert appraised value to taxable value, changes in the number of mills levied, or increase or decrease in the value of a mill."~~

Renumber: subsequent sections

12. Page 5, line 2.

Strike: "1986"

Insert: "1996"

Strike: "clarification -- extension to all property classes"

Insert: "exceptions"

13. Page 5, line 3.

Strike: "interpreted and clarified"

Insert: "implemented"

14. Page 5, lines 4 through 6.

Strike: "The limitation" on line 4 through "(2)" on line 6

Strike: "is interpreted to mean"

Insert: "means"

15. Page 5, line 7.

Strike: "actual tax liability for an individual property"

Insert: "total amount of taxes levied by each taxing unit"

Strike: "due"

Insert: "levied"

16. Page 5, lines 8 through 12.

Strike: "1986" on line 8

Insert: "1996"

Strike: "In tax" on line 8 through "year" on line 12

Insert: "The governing body of a taxing unit shall adjust mill levies to compensate for any increase in taxable valuation to ensure that taxes levied do not exceed the amount levied in 1996"

17. Page 5, line 13.

Strike: "(3)"

Insert: "(2)"

Strike: "a further"

Insert: "an"

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18. Page 5, line 14.

Strike: "taxable valuation of"

Insert: "taxes levied by"

19. Page 5, line 16.

Following: "improvements"

Insert: "classified under 15-6-134"

20. Page 5, line 21.

Following: " ; "

Insert: "or"

21. Page 5, lines 22 through 25.

Strike: " ; or" on line 22 through "improvements" on line 25

22. Page 5.

Following: line 25

Insert: "(3) The limitation on the amount of taxes levied does not prohibit an increase in the total taxes levied by a taxing unit in order to compensate the taxing unit for any loss in the total amount of nonlevy revenue received in 1996 from taxes imposed under Title 15, chapter 23, part 7, and Title 15, chapter 36, part 3."

23. Page 5, line 27 through page 6, line 17.

Following: "valuation" on page 5, line 27

Insert: "or the taxing unit"

Following: "property" on page 5, line 27

Insert: " . "

Strike: "in each" on page 5, line 27 through "levied." on page 6, line 17

Renumber: subsequent subsections

24. Page 6, line 19.

Strike: "methodology"

Insert: "methodologies"

25. Page 6, line 21 through page 8, line 5.

Following: "15-10-402" on page 6, line 21

Insert: " . "

Strike: "except" on page 6, line 21 through "53-2-322." on page 8, line 5

Renumber: subsequent subsections

26. Page 8, lines 7 and 8.

Strike: "tax liability" on line 7 through "containing" on line 8

Insert: "mill levies under one of the following methods"

27. Page 8, line 9.

Following: "(a)"

Insert: "If the laws governing the taxing unit or a particular fund of the taxing unit specifically allow for a vote of the electorate to impose mill levies or to change mill levies, then mill levies may be imposed or increased after approval of the electorate of the taxing unit.

(b) If the taxing unit or a particular fund of the taxing unit does not have a statutory basis for holding an

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election on whether to impose or to change a mill levy, the governing body of the taxing unit may refer the question of whether to impose or to change the mill levy to the electorate of the taxing unit. The resolution must contain:

(i)"

28. Page 8, line 9.

Following: "unit"

Insert: "or applicable government function"

29. Page 8, line 10.

Strike: "15-10-401 and 15-10-402"

Insert: "limitations of this part"

30. Page 8, lines 11 through 14.

Strike: "(b)" on line 11 through "(e)" on line 14

Insert: "(ii)"

Following: "revenue;" on line 14

Insert: "and"

31. Page 8, line 15.

Strike: subsection (f) in its entirety

32. Page 8, line 16.

Strike: "(g)"

Insert: "(iii)"

33. Page 8, lines 17 through 29.

Strike: subsection (11) in its entirety

Renumber: subsequent subsections

34. Page 9, line 2.

Strike: "1986"

Insert: "1996"

35. Page 9, lines 3 through 8.

Strike: subsections (13) and (14) in their entirety

Insert: "(8) If a taxing unit receives a reimbursement payment under 15-1-112, then the taxing unit may not increase mill levies to compensate for a loss in taxable valuation associated with reducing the tax rate in 15-6-138."

(9) The limitation on the amount of taxes levied by a taxing unit does not apply to an increase in the number of mills that are levied to compensate for the 1997 revaluation rate adjustments are established as provided in [section 4]."

36. Page 9, line 9.

Insert: "Section 8. Section 15-36-323, MCA, is amended to read:

"15-36-323. Calculation of unit value. For the purposes of distribution of oil and natural gas production taxes to county and school taxing units for production from pre-1985 wells, the department shall determine the unit value of oil and natural gas for each taxing unit as follows:

(1) Subject to the conditions of subsection (3), the unit value for oil for each taxing unit is the quotient obtained by dividing the net proceeds taxes calculated on oil produced and sold in that taxing unit in

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calendar year 1988 by the number of barrels of oil produced in that taxing unit during 1988, excluding post-1985 wells.

(2) Subject to the conditions of subsection (3), the unit value for natural gas is the quotient obtained by dividing the net proceeds taxes calculated on natural gas produced and sold in that taxing unit in calendar year 1988 by the number of cubic feet of natural gas produced in that taxing unit during 1988, excluding post-1985 wells.

(3) The amount of net proceeds taxes calculated under subsections (1) and (2) may not include the amount of taxes that are attributable to a financial emergency, ~~as described in 15-10-412(10)~~, for which additional mills were levied in fiscal year 1990 under the provisions of 15-10-412."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SB 57, be concurred in. Report adopted.

SB 195, be amended as follows:

1. Title, line 4.

Strike: "DELAYING"

Insert: "ELIMINATING"

2. Title, lines 5 through 7.

Following: the first "CYCLE" on line 5

Insert: "FOR CLASS THREE, FOUR, AND TEN PROPERTY"

Following: the first ";" on line 5

Strike: remainder of line 5 through ";" on line 7

3. Title, line 8.

Following: "NEW"

Insert: "CLASS THREE, FOUR, AND TEN"

Following: "RECLASSIFIED"

Insert: "CLASS THREE, FOUR, AND TEN"

4. Title, line 9.

Strike: "1996"

Insert: "1993"

5. Title, line 9.

Following: ";"

Insert: "ALLOWING AN EXTENSION OF 1997 STATUTORY DEADLINES RELATING TO PROPERTY TAXES;"

6. Title, lines 10 and 11.

Strike: "AND 15-7-221" on line 10

Insert: "15-7-112, AND 15-8-111"

Following: "MCA" on line 10

Strike: "," through "1995" on line 10

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7. Page 1, line 16.

Following: "reclassified"

Insert: "class three, four, and ten"

8. Page 1, line 17.

Strike: "1996"

Insert: "1993"

9. Page 1, line 20.

Following: "reclassified"

Insert: "class three, four, and ten"

10. Page 1, line 22.

Following: "reclassified"

Insert: "class three, four, and ten"

11. Page 1, line 24.

Following: "reclassified"

Insert: "class three, four, and ten"

12. Page 2, lines 17 and 18.

Following: "(a)" on line 17

Strike: remainder of line 17 through "all" on line 18

Insert: "All"

Strike: "market" on line 18

Insert: "1993"

Following: "value" on line 18

Strike: remainder of line 18

Insert: "as determined by the base"

13. Page 2, line 19.

Following: "year"

Insert: "used for the 1993 reappraisal"

14. Page 2, lines 20 and 21.

Following: "(b)" on line 20

Strike: remainder of line 20 through "years" on line 21

Insert: "In any periodic revaluation of taxable property under the provisions of 15-7-111"

15. Page 2, lines 29 and 30.

Strike: "(a)" on line 29

Strike: "Except as provided in subsection (1)(b), the"

Insert: "The"

16. Page 3, line 1.

Strike: "within the state"

Insert: "and that must be revalued on a periodic basis"

17. Page 3, line 6.

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Strike: "(b)"
Insert: "(2)"
Strike: "and ending December 31, 1999,"

18. Page 3, line 8.

Strike: "(i)"
Insert: "(a)"
Strike: "1996"
Insert: "1993"
Strike: "classes of"

19. Page 3, line 9.

Strike: "Title 15, chapter 6, part 1"
Insert: "15-6-133, 15-6-134, and 15-6-143"

20. Page 3, line 10.

Strike: "(ii)"
Insert: "(b)"

21. Page 3, line 11.

Strike: "in tax year 1996"

22. Page 3, lines 13 through 18.

Strike: subsection (2) in its entirety

23. Page 3, line 20 through page 4, line 23.

Strike: sections 3, 4, and 5 in their entirety

Insert: "Section 3. Section 15-7-112, MCA, is amended to read:

"15-7-112. Equalization of valuations. The same method of appraisal and assessment ~~shall~~ must be used in each county of the state ~~to the end so~~ that comparable property with similar ~~true market~~ values and subject to taxation in Montana ~~shall have~~ has substantially equal taxable ~~values~~ value at the end of each cyclical revaluation program ~~hereinbefore provided.~~"

Section 4. Section 15-8-111, MCA, is amended to read:

"15-8-111. Assessment -- market value standard -- exceptions. (1) All taxable property must be assessed at 100% of its market value except as otherwise provided.

(2) (a) Market value is the value at which property would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or to sell and both having reasonable knowledge of relevant facts.

(b) If the department uses construction cost as one approximation of market value, the department shall fully consider reduction in value caused by depreciation, whether through physical depreciation, functional obsolescence, or economic obsolescence.

(c) Except as provided in subsection (3), the market value of all motor trucks; agricultural tools, implements, and machinery; and vehicles of all kinds is the average wholesale value shown in national appraisal guides and manuals or the value of the vehicle before reconditioning and profit margin. The department shall prepare valuation schedules showing the average wholesale value when a national appraisal guide does not exist.

(3) The department may not adopt a lower or different standard of value from market value in making the official assessment and appraisal of the value of property, except:

(a) the wholesale value for agricultural implements and machinery is the loan value as shown in the

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Official Guide, Tractor and Farm Equipment, published by the national farm and power equipment dealers association, St. Louis, Missouri;

(b) for agricultural implements and machinery not listed in the official guide, the department shall prepare a supplemental manual in which the values reflect the same depreciation as those found in the official guide; and

(c) the value of properties in 15-6-133, under class three, 15-6-134, under class four, and 15-6-143, under class ten, is not determined based on current market or current productivity value. The value is determined based on the market or productivity value for the base year of the 1993 reappraisal cycle. The 1993 reappraisal cycle is the cycle in which new values were assessed beginning in 1993. The base year for class four property is the year adopted by administrative rule for the 1993 reappraisal as required by 15-7-103. The base year for class three and ten properties is the year used in determining productivity for the 1993 reappraisal. The values must be considered equalized when property values are at or near the base year market or productivity value used for the 1993 reappraisal.

~~(c)~~(d) as otherwise authorized in Title 15 and Title 61.

(4) For purposes of taxation, assessed value is the same as appraised value.

(5) The taxable value for all property is the percentage of market or assessed value established for each class of property.

(6) The assessed value of properties in 15-6-131 through ~~15-6-133~~ 15-6-134 and 15-6-143 is as follows:

(a) Properties in 15-6-131, under class one, are assessed at 100% of the annual net proceeds after deducting the expenses specified and allowed by 15-23-503 or, if applicable, as provided in 15-23-515, 15-23-516, 15-23-517, or 15-23-518.

(b) Properties in 15-6-132, under class two, are assessed at 100% of the annual gross proceeds.

(c) Properties in 15-6-133, under class three, are assessed at 100% of the productive capacity of the lands in 1994 when valued for agricultural purposes. All lands that meet the qualifications of 15-7-202 are valued as agricultural lands for tax purposes.

(d) Properties in 15-6-134, under class four, are assessed as provided in subsection (3)(c) of this section.

~~(d)~~(e) Properties in 15-6-143, under class ten, are assessed at 100% of the forest productivity value of the land in 1994 when valued as forest land.

(7) Land and the improvements on the land are separately assessed when any of the following conditions occur:

(a) ownership of the improvements is different from ownership of the land;

(b) the taxpayer makes a written request; or

(c) the land is outside an incorporated city or town."

NEW SECTION. Section 5. Extension of 1997 deadlines relating to property taxation. As a result of the change in the base year for reappraisal of class three, four, and ten property enacted by the 55th legislature, it is not possible to comply with certain statutory deadlines relating to appraisals, assessments, appeals, reimbursements, budgets, and collection of property taxes. The state appraisal and assessment process will be delayed, which in turn will cause delays for the tax appeal boards and local government taxing jurisdiction budgeting and collection processes. Therefore, for tax year 1997, all deadlines are extended as necessary and reasonable in order to allow for the orderly and efficient assessment and collection of taxes."

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

House bills concurred in and returned to the House:

3/14/97

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HB 257, introduced by Kottel
HB 314, introduced by Simpkins
HB 330, introduced by Wiseman

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 3/14/97

HB 134, introduced by J. Johnson
HB 139, introduced by Swanson
HB 168, introduced by R. Johnson
HB 183, introduced by Masolo
HB 263, introduced by Dowell

House amendments to Senate bill concurred in:

3/14/97

SB 129, introduced by Crismore

**FIRST READING AND COMMITMENT
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

HB 609, introduced by Grimes, Ewer, Ellingson, Cobb, Eck, Soft, McGee, Arnott, referred to Committee on Taxation.
HB 610, introduced by Grady, Quilici, Jenkins, Franklin, Feland, Keenan, Mohl, Anderson, Mahlum, referred to Committee on Transportation.

Representative Grinde moved the House recess until 8:30 a.m. Motion carried.

House recessed at 8:05 a.m.

House reconvened at 8:37 a.m. Mr. Speaker in the Chair.

Roll Call. Quorum present.

Mr. Speaker introduced today's honorary pages:

Heather Egolf, Kalispell
Rebecca Helvick, Helena
Ross Miranti, Helena
Kimberly Mills, Rexberg, Idaho
Brent Mills, Rexberg, Idaho
Abby Johnson, Helena
Geneva Adams, Columbia Falls
Shane Vick, Belgrade

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**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Simon in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 39 - Representative Rose moved SB 39 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Adams, Arnott.

Total 2

Voted Absentee: Ellis, Kitzenberg, McCann, Pease, Ryan, Ayes.

Excused: Clark.

Total 1

Absent or not voting: Molnar.

Total 1

SB 41 - Representative Masolo moved SB 41 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Brainard, Carey, Cobb, Cocchiarella, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 83

Noes: Adams, Arnott, Barnhart, Boharski, Curtiss, DeBruycker, Jore, Keenan, Orr, Prouse, Rehbein, Wagner, Wells, Wyatt.

Total 14

Voted Absentee: Ellis, Kitzenberg, McCann, Pease, Ryan, Ayes.

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Excused: Clark.

Total 1

Absent or not voting: Bergsagel, Mills.

Total 2

SB 54 - Representative McCulloch moved SB 54 be concurred in.

Representative Sliter assumed the Chair at this time.

Representative McCulloch moved SB 54, second reading copy, be amended as follows (amendment #1):

1. Page 8, line 15.

Following: "TOTAL"

Strike: "ACTUAL"

Following: "LOSS"

Insert: "benefits"

Amendment #1 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Cobb, Cocchiarella, Curtiss, Devaney, Dowell, Ellingson, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 87

Noes: Bankhead, DeBruycker, Denny, Smith, Vick, Wagner.

Total 6

Excused: Clark, Ellis, Kitzenberg, McCann, Pease, Ryan.

Total 6

Absent or not voting: Grinde.

Total 1

Motion to concur in SB 54, as amended, carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick,

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Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 96

Noes: DeBruycker, Kasten.
Total 2

Voted Absentee: Ellis, Kitzenberg, McCann, Pease, Ryan, Ayes.

Excused: Clark.
Total 1

Absent or not voting: Smith.
Total 1

SB 55 - Representative Simon moved SB 55 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 98

Noes: None.
Total 0

Voted Absentee: Ellis, Kitzenberg, McCann, Pease, Ryan, Ayes.

Excused: Clark.
Total 1

Absent or not voting: Barnhart.
Total 1

Representative Simon resumed the Chair at this time.

SB 61 - Representative Krenzler moved SB 61 be concurred in.

Representative Ellingson moved SB 61, second reading copy, be amended (amendment #1). Motion failed as follows: (34-60)

Motion to concur in SB 61 carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Cobb, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Gillan, Grady, Grimes, Grinde, H.S.

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Hanson, M. Hanson, Harper, Hibbard, Kasten, Keenan, Kitzenberg, Kottel, Krenzler, Lawson, Marshall, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pease, Quilici, Raney, Ream, Ryan, Schmidt, Simon, Simpkins, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Vick, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 67

Noes: Adams, Arnott, Carey, Cocchiarella, Curtiss, DeBruycker, Denny, Galvin, Hagener, Harrington, Hayne, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Knox, Masolo, Orr, Pavlovich, Peck, Prouse, Rehbein, Rose, Sands, Simpson, Story, Trexler, Wagner, Walters, Whitehead.

Total 31

Voted Absentee: Ellis, Kitzenberg, McCann, Pease, Ryan, Ayes.

Excused: Clark.

Total 1

Absent or not voting: Heavy Runner.

Total 1

HB 585 - Representative Ohs moved HB 585 do pass.

Representative Trexler moved for cloture. Motion carried.

Motion to pass HB 585 carried as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McGee, Mills, Molnar, Mood, Ohs, Pavlovich, Quilici, Rehbein, Rose, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 62

Noes: Arnott, Barnhart, Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Jore, Kasten, Kottel, Krenzler, McCann, McCulloch, Menahan, Orr, Pease, Peck, Prouse, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.

Total 38

Voted Absentee: Clark, Ellis, Kitzenberg, Ayes; McCann, Pease, Ryan, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Grinde moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Simon moved that the Committee of the

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Whole report be adopted. Report adopted. (74-14)

MOTIONS

HB 249 - Representative Grinde moved HB 249 be taken from the table in the Committee on Business & Labor, printed, and placed on second reading this legislative day. Motion carried. (62-29)

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Simon in the Chair.

Representative Harper moved to return to order of business #9 for the purpose of making a motion. Motion failed. (35-59)

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Simon in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 249 - Representative Ohs moved HB 249 do pass.

Representative Ohs moved HB 249, second reading copy, be amended as follows (amendment #1):

1. Title, line 6.

Strike: "\$9"

Insert: "\$15"

Following: "PROJECTS"

Insert: ", HISTORIC PRESERVATION PROJECTS, RESEARCH AND DEVELOPMENT, SCHOOL CONSTRUCTION, AND TECHNOLOGY ACQUISITION FOR SCHOOLS"

2. Title, line 7.

Strike: "2008"

Insert: "2018"

3. Page 1, line 18.

Strike: "2008"

Insert: "2018"

Strike: "\$9"

Insert: "\$15"

4. Page 1, lines 19 through 27.

Following: "for" on line 19

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Strike: remainder of line 19 through "bridges" on line 27

Insert: ": (a) infrastructure;
(b) historic preservation projects;
(c) research and development;
(d) school construction; and
(e) technology acquisition for schools"

5. Page 1, line 30.

Strike: "2008"

Insert: "2018"

6. Page 2, lines 4 and 5.

Following: "to" on line 4

Strike: remainder of line 4 through "fund" on line 5

Insert: "invest a portion of the future coal severance taxes for infrastructure, historic preservation, research and development, and schools"

7. Page 2, lines 6 and 7.

Following: "to" on line 6

Strike: remainder of line 6 through "fund" on line 7

Insert: "invest a portion of the future coal severance taxes for infrastructure, historic preservation, research and development, and schools"

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McGee, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Quilici, Rehbein, Rose, Simon, Simpkins, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 61

Noes: Adams, Barnhart, Boharski, Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Jore, Kasten, Kottel, Krenzler, McCann, McCulloch, Menahan, Pease, Peck, Prouse, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.

Total 38

Voted Absentee: Clark, Ellis, Kitzenberg, Ayes; McCann, Pease, Ryan, Noes.

Excused: None.

Total 0

Absent or not voting: Sliter.

Total 1

Following a question by Representative Raney, Representative Simon ruled the question out of order.

Representative Raney appealed the ruling.

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Representative Simon called for an immediate Rules Committee meeting.

The House Chambers stood at ease during the Rules Committee meeting.

Representative Grinde reported the Rules Committee would allow Representative Raney to continue with his questioning on HB 249.

Motion that HB 249 do pass, as amended, carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McGee, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Prouse, Quilici, Rehbein, Rose, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 67

Noes: Barnhart, Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kottel, Krenzler, McCann, McCulloch, Menahan, Pease, Peck, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.

Total 33

Voted Absentee: Clark, Ellis, Kitzenberg, Ayes; McCann, Pease, Ryan, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 5 - Representative Bergsagel moved HB 5 do pass.

Representative Raney moved HB 5, second reading copy, be amended (amendment #1). Motion failed as follows: (33-62)

Representative Raney moved HB 5, second reading copy, be amended as follows (amendment #2):

1. Page 5, line 11.

Strike: "1,200,000"

Insert: "1,470,000"

Explanation: This amendment increases the appropriation to the Department of Fish, Wildlife and Parks for the Future Fisheries Improvement Program by \$270,000 from the general license account.

Amendment #2 passed as follows:

Ayes: Ahner, Anderson, Bankhead, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Cobb, DeBruycker, Denny, Dowell, Ellingson, Ewer, Galvin, Gillan, Grinde, Hagener, H.S. Hanson, Harrington, Heavy Runner,

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Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Knox, Kottel, Krenzler, Lawson, Masolo, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Peck, Prouse, Quilici, Raney, Rehbein, Rose, Ryan, Sands, Simon, Simpson, Sliter, Soft, Squires, Story, Stovall, Trexler, Tropila, Vick, Walters, Whitehead, Zook, Mr. Speaker.

Total 63

Noes: Adams, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Cocchiarella, Curtiss, Devaney, Feland, Grady, Grimes, M. Hanson, Harper, Hayne, Hibbard, Keenan, Marshall, Orr, Ream, Schmidt, Simpkins, Smith, Swanson, Tash, Taylor, Tuss, Wagner, Wiseman, Wyatt.

Total 30

Voted Absentee: Ryan, Aye.

Excused: Clark, Ellis, Kitzenberg, McCann, Pease.

Total 5

Absent or not voting: Beaudry, Wells.

Total 2

Representative Raney moved HB 5, second reading copy, be further amended (amendment #3). Motion failed as follows: (43-50)

Representative Raney moved HB 5, second reading copy, be further amended (amendment #4). Motion failed as follows: (46-46)

Representative Ohs moved HB 5, second reading copy, be further amended as follows (amendment #5):

1. Title, line 6.

Following: ";

Insert: "APPROPRIATING THE BALANCE IN THE CULTURAL TRUST FUND FOR THE ACQUISITION, RENOVATION, AND PRESERVATION OF HISTORIC PROPERTIES; ELIMINATING THE ALLOCATION OF COAL SEVERANCE TAXES TO THE CULTURAL TRUST FUND; ALLOCATING COAL SEVERANCE TAX REVENUE FOR CULTURAL AND AESTHETIC PROJECTS; ESTABLISHING THE MONTANA HERITAGE PRESERVATION AND DEVELOPMENT COMMISSION; AUTHORIZING THE MONTANA HERITAGE PRESERVATION AND DEVELOPMENT COMMISSION TO ADMINISTER PROPERTIES AT VIRGINIA CITY AND NEVADA CITY AND OTHER CULTURALLY AND HISTORICALLY SIGNIFICANT PROPERTIES;"

2. Title, lines 7 and 8.

Following: "APPROPRIATIONS;"

Insert: "AMENDING SECTIONS 5-11-115, 15-35-108, 22-2-301, 22-2-304, and 23-1-108, MCA;"

Strike: "AN IMMEDIATE"

Strike: "DATE"

Insert: "DATES"

3. Page 8, line 4.

Insert: "NEW SECTION. Section 9. Appropriation for purchase and maintenance of Virginia City and Nevada City assets. The balance in the cultural trust fund, up to \$7,750,000, is appropriated to the Montana historical society for the acquisition, renovation, and preservation of real and personal property owned by

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Bovey restorations, incorporated, and the historic landmark society of Montana in the communities known as Virginia City and Nevada City.

Section 10. Section 5-11-115, MCA, is amended to read:

"5-11-115. Function of department of administration -- capitol area master plan -- advice of legislative council. (1) The department of administration shall establish and maintain a master plan for the orderly development of state buildings in the immediate area of the capital city. The master plan must be developed and maintained, with consideration given to the following factors:

(a) the needs of the state relative to the location and design of buildings to be constructed, purchase of land, parking facilities, traffic management, and landscaping;

(b) the ordinances, plans, requirements, and proposed improvements of the city of Helena and Lewis and Clark County, based without limitation upon zoning regulations, population trends, and plans for rapid transit development;

(c) any other factors that bear upon the orderly, integrated, and cooperative development of the state, the city of Helena, Lewis and Clark County, and state property in the immediate area of the capital city.

(2) The legislative council shall consult with and advise the department of administration concerning the assignment of space in the capitol.

(3) The legislative council shall consult with and advise the Montana historical society on the placement of busts, statues, memorials, or art displays of a permanent nature within public areas of the capitol building. An item may not be permanently displayed unless approved by the legislature.

(4) The Montana historical society shall protect and preserve the permanent artwork in the capitol building and request funding for periodic inspection, maintenance, and repair of the artwork from the ~~trust fund established~~ account provided for in 15-35-108 for protection of works of art in the state capitol and other cultural and aesthetic projects.

(5) The legislative council shall serve as a long-range building committee to recommend to the legislature and the department of administration construction and remodeling priorities for the capitol."

Section 11. Section 15-35-108, MCA, is amended to read:

"15-35-108. Disposal of severance taxes. Severance taxes collected under this chapter must, in accordance with the provisions of 15-1-501, be allocated as follows:

(1) Fifty percent of total coal severance tax collections is allocated to the trust fund created by Article IX, section 5, of the Montana constitution. The trust fund money must be deposited in the fund established under 17-6-203(6) and invested by the board of investments as provided by law.

(2) Twelve percent of coal severance tax collections is allocated to the long-range building program account established in 17-7-205.

(3) The amount of 8.36% must be credited to an account in the state special revenue fund to be allocated by the legislature for local impacts, county land planning, provision of basic library services for the residents of all counties through library federations and for payment of the costs of participating in regional and national networking, conservation districts, and the Montana Growth Through Agriculture Act. Any cash balance that is unspent at the end of each fiscal year must be deposited in the general fund.

(4) The amount of 1.27% must be allocated to a nonexpendable trust fund for the purpose of parks acquisition or management. Income from this trust fund must be appropriated for the acquisition, development, operation, and maintenance of any sites and areas described in 23-1-102.

(5) The amount of 0.95% must be allocated to the debt service fund type to the credit of the renewable resource loan debt service fund.

(6) The amount of ~~0.63%~~ 1.79% must be allocated to ~~a nonexpendable trust~~ an account in the state special revenue fund for the purpose of protection of works of art in the state capitol and for other cultural and aesthetic projects. ~~Income from this trust fund must be appropriated for protection of works of art in the state capitol and other cultural and aesthetic projects.~~

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(7) All other revenue from severance taxes collected under the provisions of this chapter must be credited to the general fund of the state."

Section 12. Section 22-2-301, MCA, is amended to read:

"22-2-301. Cultural and aesthetic projects grants. (1) Any person, association, or representative of a governing unit seeking a grant for a cultural or aesthetic project from the ~~income of the trust fund created~~ account provided for in 15-35-108 must submit a grant proposal to the cultural and aesthetic projects advisory committee, in care of the Montana arts council, by August 1 of the year preceding the convening of a regular legislative session.

(2) Grant proposals must be for the purpose of protecting works of art in the state capitol or other cultural and aesthetic projects."

Section 13. Section 22-2-304, MCA, is amended to read:

"22-2-304. Cultural and aesthetic project appropriations -- administration. (1) The legislature must appropriate funds from the ~~income of the trust fund created~~ account provided for in 15-35-108 for cultural and aesthetic projects before any grant for a cultural or aesthetic project is awarded.

(2) Costs incurred by the Montana arts council for accounting, correspondence, project visits, and solicitation of proposals related to cultural and aesthetic project grants and the costs of the advisory committee established in 2-15-1521 shall be paid from appropriations from the income of the trust fund.

(3) Grant proposals are heard by a legislative appropriations subcommittee.

(4) Grant proposals approved by the legislature are administered by the Montana arts council."

Section 14. Section 23-1-108, MCA, is amended to read:

"23-1-108. Acquisition of certain state parks, monuments, or historical sites. (1) Any person, association, or representative of a governing unit may submit a proposal for the acquisition of a site or area described in 23-1-102 from the ~~income of the trust fund created~~ account provided for in 15-35-108 to the department of fish, wildlife, and parks by July 1 of the year preceding the convening of a legislative session.

(2) The fish, wildlife, and parks commission shall present to the legislature by the 15th day of any legislative session a list of areas, sites, or objects that were proposed for purchase for use as state parks, state recreational areas, state monuments, or state historical sites with the money contained in the parks account.

(3) The legislature must appropriate funds from this account before any park, area, monument, or site may be purchased."

NEW SECTION. Section 15. Montana heritage preservation and development commission. (1) There is a Montana heritage preservation and development commission. The commission is attached to the Montana historical society for administrative purposes. The commission consists of nine members. The members shall broadly represent the state. Five members must be appointed by the governor, one member must be appointed by the president of the senate, and one member must be appointed by the speaker of the house. The director of the Montana historical society and the director of the department of fish, wildlife, and parks shall serve as members.

(2) Of the members appointed by the governor:

- (a) one member must have extensive experience in managing facilities that cater to the needs of tourists;
- (b) one member must have experience in community planning;
- (c) one member must have experience in historic preservation;
- (d) one member must have broad experience in business; and
- (e) one member must be a Montana historian.

(3) Except for the initial appointments, members appointed by the governor shall serve 3-year terms. Legislative appointees shall serve 2-year terms. If a vacancy occurs, the appointing authority shall make

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an appointment for the unexpired portion of the term.

(4) The commission may employ an executive director who has general responsibility for the selection and management of commission staff, developing recommendations for the purchase of property, and overseeing the management of acquired property and a curator who is responsible for the display and preservation of the acquired property. The commission shall prescribe the duties and annual salary of the executive director and the curator.

NEW SECTION. Section 16. Montana heritage preservation and development commission -- initial appointments. The initial appointments to the commission must be for the following terms:

- (1) the member with experience managing facilities that cater to the needs of tourists, 3 years;
- (2) the member with experience in community planning, 4 years;
- (3) the member with experience in historic preservation, 5 years;
- (4) the member with broad experience in business, 3 years;
- (5) the Montana historian, 5 years; and
- (6) the legislative appointments, 2 years.

NEW SECTION. Section 17. Purpose. The purpose of [sections 15 and 18 and this section] is to acquire, on behalf of the state, properties that possess outstanding historical value, display exceptional qualities worth preserving, are genuinely representative of the state's culture and history, and demonstrate the ability to become economically self-supporting. The Montana heritage preservation and development commission shall achieve this purpose by purchasing fee title interests in real and personal property.

NEW SECTION. Section 18. Powers of commission -- contracts -- rules. (1) (a) The Montana heritage preservation and development commission may contract with private organizations to assist in carrying out the purpose of [section 17]. The term of a contract may not exceed 20 years.

(b) Notwithstanding the provisions of Title 18, the contracts may be let by direct negotiation. The contracts may be entered into directly with a vendor and are not subject to state procurement laws.

(c) Architectural and engineering review and approval do not apply to the historic renovation projects.

(d) The contracts must provide for the payment of prevailing wages.

(e) A contract for supplies or services, or both, may be negotiated in accordance with commission rules.

(f) Management activities must be undertaken to encourage the profitable operation of properties.

(g) Contracts may include the lease of property managed by the commission. Provisions for the renewal of a contract must be contained in the contract.

(2) The commission may not contract for the construction of a building, as defined in 18-2-101, in excess of \$200,000 without the consent of the legislature. Building construction must be in conformity with applicable guidelines developed by the national park service of the U.S. department of the interior, the Montana historical society, and the Montana department of fish, wildlife, and parks.

(3) The commission, as part of a contract, shall require that a portion of any profit be reinvested in the property and that a portion be used to pay the administrative costs of the commission.

(4) The commission may solicit funds from other sources for the purchase, management, and operation of properties.

(5) The commission shall adopt rules establishing a policy for making acquisitions. With respect to each acquisition, the policy must give consideration to:

- (a) whether the property represents the state's culture and history;
- (b) whether the property can become self-supporting;
- (c) whether the property can contribute to the economic and social enrichment of the state;
- (d) whether the property lends itself to programs to interpret Montana history;
- (e) whether the acquisition will create significant social and economic impacts to affected local governments and the state; and

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(f) other matters that the commission considers necessary or appropriate.

(6) Public notice and the opportunity for a hearing must be given in the geographical area of a proposed acquisition before a final decision to acquire a property is made. The commission shall approve proposals for acquisition and recommend the approved proposal to the board of land commissioners.

NEW SECTION. Section 19. Codification instruction. [Sections 15, 17, and 18] are intended to be codified as an integral part of Title 22, chapter 3, and the provisions of Title 22, chapter 3, apply to [sections 15, 17, and 18].

Renumber: subsequent sections

4. Page 8, line 21.

Strike: "date"

Insert: "dates"

Following: ". "

Insert: "(1) Except as provided in subsection (2),"

Strike: "This"

Insert: "this"

5. Page 8, line 22.

Insert: "(2) [Sections 10 and 11] are effective July 1, 1997."

Amendment #5 passed as follows:

Ayes: Ahner, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bitney, Boharski, Bookout, Brainard, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, Holland, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Prouse, Quilici, Rehbein, Rose, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Walters, Wells, Zook, Mr. Speaker.

Total 61

Noes: Adams, Anderson, Barnhart, Bergsagel, Bohlinger, Carey, DeBruycker, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Heavy Runner, Hurdle, J. Johnson, R. Johnson, Jore, Kottel, Krenzler, McCulloch, Peck, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Wagner, Whitehead, Wiseman, Wyatt.

Total 37

Voted Absentee: Clark, Ellis, Kitzenberg, Ayes; Ryan, No.

Excused: McCann, Pease.

Total 2

Absent or not voting: None.

Total 0

Representative Brainard moved HB 5, second reading copy, be further amended (amendment #6).

Representative Bookout-Reinicke moved to divide amendment #6 into two sections and vote on them separately.
Motion carried.

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Amendment #6, section #1 failed as follows: (30-62)

Amendment #6, section #2 failed as follows: (23-71)

Motion that HB 5 do pass, as amended, carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Clark, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Ellis, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Quilici, Ream, Rose, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Walters, Whitehead, Wiseman, Zook, Mr. Speaker.
Total 73

Noes: Adams, Arnott, Barnhart, Boharski, Brainard, Carey, Cobb, Dowell, Ewer, Harper, Hurdle, Jore, Keenan, Orr, Peck, Prouse, Raney, Rehbein, Ryan, Sands, Tropila, Vick, Wagner, Wells, Wyatt.
Total 25

Voted Absentee: Clark, Ellis, Kitzenberg, McCann, Pease, Ayes; Ryan, No.

Excused: None.
Total 0

Absent or not voting: DeBruycker, Tuss.
Total 2

Representative Brainard excused at this time.

SB 68 - Representative Ahner moved SB 68 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Boharski, Bohlinger, Bookout, Brainard, Carey, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 95

Noes: Bitney, DeBruycker.
Total 2

Voted Absentee: Brainard, Ellis, Kitzenberg, McCann, Pease, Ryan, Ayes.

Excused: Clark.
Total 1

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Absent or not voting: Molnar, Whitehead.

Total 2

SB 69 - Representative Kottel moved SB 69 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Carey, Cobb, Cocchiarella, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 75

Noes: Adams, Arnott, Bankhead, Boharski, Bookout, Brainard, Curtiss, DeBruycker, Denny, Devaney, Grimes, Hayne, Jore, Kasten, Keenan, McGee, Molnar, Orr, Prouse, Rehbein, Vick, Wagner, Wells.

Total 23

Voted Absentee: Ellis, Kitzenberg, McCann, Pease, Ryan, Ayes; Brainard, No.

Excused: Clark.

Total 1

Absent or not voting: Sliter.

Total 1

SB 92 - Representative Soft moved SB 92 be concurred in.

Representative Sliter assumed the Chair at this time.

Motion to concur in SB 92 carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnhart, Beaudry, Bergman, Bergsagel, Bohlinger, Carey, Cobb, Cocchiarella, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 78

Noes: Adams, Barnett, Bitney, Boharski, Bookout, Brainard, Curtiss, DeBruycker, Denny, Jore, Keenan, McGee, Mills, Molnar, Orr, Prouse, Rehbein, Sliter, Vick, Wagner, Wells.

Total 21

Voted Absentee: Ellis, Kitzenberg, McCann, Pease, Ryan, Ayes; Brainard, No.

Excused: Clark.

Total 1

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Absent or not voting: None.

Total 0

SB 114 - Representative Grimes moved SB 114 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bookout, Carey, Cobb, Cocchiarella, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 83

Noes: Adams, Arnott, Brainard, Curtiss, DeBruycker, Jore, Kasten, McGee, Orr, Prouse, Rehbein, Wagner.

Total 12

Voted Absentee: Ellis, Kitzenberg, McCann, Pease, Ryan, Ayes; Brainard, No.

Excused: Clark.

Total 1

Absent or not voting: Bohlinger, Devaney, Peck, Tropila.

Total 4

SB 132 - Representative Grinde moved SB 132 be concurred in.

Representative Trexler moved SB 132, second reading copy, be amended as follows (amendment #1):

1. Title, line 7.

Following: "LAND"

Insert: "FOR CERTAIN PURPOSES"

2. Title, line 9.

Following: "ALL"

Insert: "BIG GAME"

Following: "FISHING"

Insert: "AND, IF FENCED OR EFFECTIVELY POSTED, FOR THE HUNTING OF BIRDS OR OTHER WILD
ANIMALS"

Following: ";

Strike: "AND"

3. Title, line 10.

Following: "MCA"

Insert: " ; AND PROVIDING AN EFFECTIVE DATE"

4. Page 2, line 1.

Strike: "PRIVILEGE"

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Insert: "Except as provided in 87-3-304, privilege"

Following: "~~either~~"

Insert: "either"

5. Page 2, line 3.

Following: "~~land~~"

Insert: "or by the failure of the landowner or other authorized person to fence the land or to post notice denying entry onto private land"

6. Page 2, line 22.

Strike: "Regardless" through "whether"

Insert: "If"

Following: "property"

Insert: "is fenced or"

7. Page 2, line 23.

Strike: "it"

Insert: "the land"

Following: "enter"

Insert: "the land"

8. Page 2, line 24.

Strike: "the" through "agent"

Insert: "other authorized person"

9. Page 3, line 16.

Following: "~~animals~~"

Insert: "big game animals"

10. Page 3, line 17.

Following: "3."

Insert: "If private property is fenced or effectively posted, a person must have obtained the permission of the landowner, lessee, or the agent of the landowner or lessee prior to hunting birds or wild animals other than big game."

11. Page 3.

Following: line 17

Insert: "NEW SECTION. Section 3. Effective date. [This act] is effective July 1, 1997."

Amendment #1 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Cobb, Cocchiarella, Curtiss, Devaney, Dowell, Ellingson, Ewer, Feland, Gillan, Grady, Grimes, Grinde, H.S. Hanson, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Keenan, Knox, Kottel, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Peck, Prouse, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

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Total 78

Noes: Beaudry, Carey, DeBruycker, Denny, Galvin, Hagener, M. Hanson, Harper, Kasten, Krenzler, Quilici, Rehbein, Wagner, Whitehead.

Total 14

Voted Absentee: Brainard, Ryan, Ayes.

Excused: Clark, Ellis, Kitzenberg, McCann, Pease.

Total 5

Absent or not voting: Bergsagel, Hayne, Pavlovich.

Total 3

Representative Molnar moved SB 132, second reading copy, be further amended (amendment #2). Representative Molnar withdrew the amendment before a vote was taken.

Representative Simpkins moved for cloture. Motion carried. (65-26)

Motion that SB 132 be concurred in, as amended, failed as follows:

Ayes: Adams, Anderson, Arnott, Bankhead, Barnett, Barnhart, Bergman, Bitney, Boharski, Bookout, Clark, Cobb, Curtiss, DeBruycker, Devaney, Ellis, Feland, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Holland, Jore, Kasten, Knox, Marshall, Masolo, McCann, Mood, Ohs, Prouse, Rehbein, Rose, Simon, Simpkins, Sliter, Smith, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 49

Noes: Ahner, Beaudry, Bergsagel, Bohlinger, Brainard, Carey, Cocchiarella, Denny, Dowell, Ellingson, Ewer, Galvin, Gillan, Grady, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Kottel, Krenzler, Lawson, McCulloch, McGee, Menahan, Mills, Molnar, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Soft, Squires, Tropila, Tuss, Wagner, Walters, Wells, Whitehead.

Total 51

Voted Absentee: Clark, Ellis, McCann, Ayes; Brainard, Kitzenberg, Pease, Ryan, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Simon resumed the Chair at this time.

SB 138 - Representative Grimes moved SB 138 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer,

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Feland, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Mills, Mood, Ohs, Orr, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.
Total 86

Noes: Adams, Brainard, Jore, McGee, Menahan, Wagner, Wyatt.
Total 7

Voted Absentee: Ellis, Kitzenberg, McCann, Pease, Ryan, Ayes; Brainard, No.

Excused: Clark.
Total 1

Absent or not voting: Beaudry, Grady, Molnar, Pavlovich, Sliter, Vick.
Total 6

SB 141 - Representative Rehbein moved SB 141 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tuss, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 90

Noes: Brainard, Harrington, Hurdle, McGee, Wagner.
Total 5

Voted Absentee: Ellis, Kitzenberg, McCann, Pease, Ryan, Ayes; Brainard, No.

Excused: Clark.
Total 1

Absent or not voting: Sliter, Tropila, Vick, Welis.
Total 4

SB 144 - Representative Bookout-Reinicke moved SB 144 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Orr, Pavlovich,

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Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: H.S. Hanson, Hurdle, Krenzler, Mood, Wagner.

Total 5

Voted Absentee: Brainard, Ellis, Kitzenberg, McCann, Pease, Ryan, Ayes.

Excused: Clark.

Total 1

Absent or not voting: Ohs.

Total 1

SB 145 - Representative Tash moved SB 145 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: McGee.

Total 1

Voted Absentee: Brainard, Ellis, Kitzenberg, McCann, Pease, Ryan, Ayes.

Excused: Clark.

Total 1

Absent or not voting: Bankhead.

Total 1

SB 163 - Representative Tuss moved SB 163 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Brainard, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters,

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Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 95

Noes: Bookout, Denny, McGee.
Total 3

Voted Absentee: Brainard, Ellis, Kitzenberg, McCann, Pease, Ryan, Ayes.

Excused: Clark.
Total 1

Absent or not voting: Grinde.
Total 1

SB 165 - Representative Soft moved SB 165 be concurred in. Motion failed as follows:

Ayes: Ahner, Barnhart, Bohlinger, Carey, Cocchiarella, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grimes, Hagener, Harper, Harrington, Heavy Runner, Hurdle, R. Johnson, Kitzenberg, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Molnar, Ohs, Pavlovich, Pease, Raney, Ream, Ryan, Sands, Schmidt, Simon, Soft, Squires, Stovall, Swanson, Tropila, Tuss, Whitehead, Wyatt.
Total 44

Noes: Adams, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Cobb, Curtiss, DeBruycker, Denny, Devaney, Feland, Grady, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, J. Johnson, Jore, Kasten, Keenan, Knox, McGee, Menahan, Mills, Mood, Orr, Peck, Quilici, Rehbein, Rose, Simpkins, Simpson, Sliter, Smith, Story, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.
Total 54

Voted Absentee: Ellis, Kitzenberg, McCann, Pease, Ryan, Ayes; Brainard, No.

Excused: Clark, Prouse.
Total 2

Absent or not voting: None.
Total 0

SB 175 - Representative Story moved SB 175 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 90

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Noes: Boharski, Brainard, Cobb, Dowell, Heavy Runner, Jore, Whitehead.
Total 7

Voted Absentee: Ellis, Kitzenberg, McCann, Pease, Ryan; Ayes; Brainard, No.

Excused: Clark.
Total 1

Absent or not voting: Holland, Molnar.
Total 2

SB 197 - Representative Molnar moved consideration of SB 197 be placed at the bottom of the second reading board. Motion carried.

SB 204 - Representative Devaney moved SB 204 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 97

Noes: DeBruycker.
Total 1

Voted Absentee: Brainard, Ellis, Kitzenberg, McCann, Pease, Ryan, Ayes.

Excused: Clark.
Total 1

Absent or not voting: Holland.
Total 1

SB 298 - Representative Soft moved SB 298 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Boharski, Bohlinger, Bookout, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 95

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Noes: Brainard.

Total 1

Voted Absentee: Ellis, Kitzenberg, McCann, Pease, Ryan, Ayes; Brainard, No.

Excused: Clark.

Total 1

Absent or not voting: Bitney, Holland, Squires.

Total 3

SB 370 - Representative Cobb moved SB 370 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Heavy Runner.

Total 1

Voted Absentee: Brainard, Ellis, Kitzenberg, McCann, Pease, Ryan, Ayes.

Excused: Clark.

Total 1

Absent or not voting: Boharski, Grinde, Holland.

Total 3

SB 197 - Representative Molnar moved SB 197 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook.

Total 96

Noes: Tuss.

Total 1

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Voted Absentee: Brainard, Ellis, Kitzenberg, McCann, Pease, Ryan, Ayes.

Excused: Clark.

Total 1

Absent or not voting: Holland, Mr. Speaker.

Total 2

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Simon moved that the Committee of the Whole report be adopted. Report adopted. (62-29)

Representative Prouse excused at this time.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 83 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Cobb, Curtiss, DeBruycker, Denny, Devaney, Feland, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Rehbein, Rose, Ryan, Schmidt, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 76

Noes: Brainard, Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Harrington, Heavy Runner, Hurdle, Kottel, McCulloch, Orr, Raney, Ream, Sands, Simpson, Squires, Tropila, Tuss, Whitehead, Wyatt.

Total 22

Voted Absentee: Kitzenberg, McCann, Pease, Prouse, Ryan, Ayes; Brainard, No.

Excused: Clark, Ellis.

Total 2

Absent or not voting: None.

Total 0

HB 544 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Feland, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Keenan, Knox,

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Krenzler, Lawson, Marshall, Masolo, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Prouse, Quilici, Rehbein, Rose, Ryan, Sands, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 71

Noes: Barnhart, Brainard, Carey, Devaney, Dowell, Ellingson, Ewer, Galvin, Grinde, Harper, Heavy Runner, Hurdle, Kasten, Kitzenberg, Kottel, McCann, McCulloch, Orr, Peck, Raney, Ream, Schmidt, Squires, Tropila, Tuss, Whitehead, Wyatt.

Total 27

Voted Absentee: Pease, Prouse, Ryan, Ayes; Brainard, Kitzenberg, McCann, Noes.

Excused: Clark, Ellis.

Total 2

Absent or not voting: None.

Total 0

SB 31 concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Prouse, Raney, Rehbein, Rose, Ryan, Schmidt, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 85

Noes: Adams, Ellingson, Harrington, R. Johnson, Jore, Peck, Quilici, Ream, Sands, Simpson, Squires, Swanson, Tuss.

Total 13

Voted Absentee: Brainard, Ellis, Kitzenberg, McCann, Pease, Prouse, Ryan, Ayes.

Excused: Clark.

Total 1

Absent or not voting: Marshall.

Total 1

SB 46 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich,

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Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.
Total 91

Noes: Beaudry, Cobb, Ewer, Heavy Runner, Jore, Sliter, Tuss, Wyatt.
Total 8

Voted Absentee: Brainard, Ellis, Kitzenberg, McCann, Pease, Prouse, Ryan, Ayes.

Excused: Clark.
Total 1

Absent or not voting: None.
Total 0

SB 48 concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Cobb, Curtiss, Denny, Devaney, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Keenan, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Peck, Prouse, Rose, Ryan, Schmidt, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.
Total 67

Noes: Adams, Barnhart, Carey, Cocchiarella, DeBruycker, Dowell, Ellingson, Ewer, Galvin, Hagener, Harper, Harrington, Hurdle, Jore, Kasten, Kitzenberg, Kottel, McCulloch, Pavlovich, Pease, Quilici, Raney, Ream, Rehbein, Sands, Simpson, Squires, Tuss, Whitehead, Wyatt.
Total 30

Voted Absentee: Brainard, McCann, Prouse, Ryan, Ayes; Kitzenberg, Pease, Noes.

Excused: Clark, Ellis.
Total 2

Absent or not voting: Feland.
Total 1

SB 66 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler,

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Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 96

Noes: Arnott, Jore.
Total 2

Voted Absentee: Brainard, Kitzenberg, McCann, Pease, Prouse, Ryan, Ayes.

Excused: Clark, Ellis.
Total 2

Absent or not voting: None.
Total 0

SB 99 concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Cobb, Curtiss, Denny, Devaney, Feland, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Ohs, Orr, Pavlovich, Prouse, Quilici, Rehbein, Rose, Ryan, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.
Total 73

Noes: Adams, Barnhart, Cocchiarella, DeBruycker, Dowell, Ellingson, Ewer, Galvin, Hagener, Harper, Hurdle, Jore, Krenzler, Pease, Peck, Raney, Ream, Sands, Schmidt, Squires, Tropila, Tuss, Whitehead, Wyatt.
Total 24

Voted Absentee: Brainard, Kitzenberg, McCann, Prouse, Ryan, Ayes; Pease, No.

Excused: Clark, Ellis.
Total 2

Absent or not voting: Mood.
Total 1

SB 104 concurred in as follows:

Ayes: Adams, Ahner, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Cobb, Cocchiarella, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 86

Noes: Anderson, Arnott, Curtiss, DeBruycker, Feland, Grinde, Holland, Jore, Keenan, Orr, Sliter, Vick, Wagner.

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Total 13

Voted Absentee: Brainard, Ellis, Kitzenberg, McCann, Pease, Prouse, Ryan, Ayes.

Excused: Clark.

Total 1

Absent or not voting: None.

Total 0

SB 108 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Arnott, Brainard, DeBruycker, Feland, Jore, Keenan, Prouse, Whitehead.

Total 8

Voted Absentee: Ellis, Kitzenberg, McCann, Pease, Ryan, Ayes; Brainard, Prouse, Noes.

Excused: Clark.

Total 1

Absent or not voting: Hurdle.

Total 1

SB 124 concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ewer, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 83

Noes: Adams, Arnott, Boharski, Brainard, DeBruycker, Feland, Grinde, Jore, Keenan, Orr, Prouse, Sliter, Vick, Wagner, Walters.

Total 15

Voted Absentee: Kitzenberg, McCann, Pease, Ryan, Ayes; Brainard, Prouse, Noes.

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Excused: Clark, Ellis.
Total 2

Absent or not voting: None.
Total 0

SB 142 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 98

Noes: Simpson.
Total 1

Voted Absentee: Brainard, Ellis, Kitzenberg, McCann, Pease, Prouse, Ryan, Ayes.

Excused: Clark.
Total 1

Absent or not voting: None.
Total 0

SB 158 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 99

Noes: None.
Total 0

Voted Absentee: Brainard, Ellis, Kitzenberg, McCann, Pease, Prouse, Ryan, Ayes.

Excused: Clark.
Total 1

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Absent or not voting: None.

Total 0

SB 160 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: DeBruycker, Hayne, Mills.

Total 3

Voted Absentee: Brainard, Ellis, Kitzenberg, McCann, Pease, Prouse, Ryan, Ayes.

Excused: Clark.

Total 1

Absent or not voting: Krenzler.

Total 1

MOTIONS

HB 512 - Representative Harper moved HB 512 be taken from the table in the Committee on Business & Labor, printed, and placed on second reading this legislative day. Motion failed. (35-57)

HB 504 - Representative Harper moved HB 504 be taken from the table in the Committee on Business & Labor, printed, and placed on second reading this legislative day. Motion failed. (34-58)

HB 327 - Representative Bergman moved HB 327 be taken from the table in the Committee on Select Corrections, printed, and placed on second reading this legislative day.

Representative Sliter moved for previous question. Motion carried.

Motion to move HB 327 from the table failed. (31-57)

HB 5 - Representative DeBruycker moved he be allowed to change his vote on HB 5, amendment #5, second reading, from abstain to nay. Motion carried.

SB 144 - Representative Mills moved he be allowed to change his vote on SB 144, second reading, from abstain to aye. Motion carried.

HB 249 - Representative Grinde moved the primary sponsor of HB 249 be changed from Representative Cobb to

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Representative Ohs. Motion carried.

SB 99 - Representative Boharski moved he be allowed to change his vote on SB 99, third reading, from nay to aye.
Motion carried.

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (Zook, Chairman):
HB 14, introduced bill, be amended as follows:

3/15/97

1. Title, line 8.
Following: "APPROPRIATIONS;"
Insert: "AMENDING SECTION 12, CHAPTER 774, LAWS OF 1991;"
2. Page 1, line 20.
Following: "other funds."
Insert: "(1)"
3. Page 1, line 28.
Strike: "2,281,000"
Insert: "678,902"
4. Page 1, line 30.
Strike: "Three Additional Regional Correctional Facilities"
Insert: "One Additional Regional Correctional Facility"
Strike: "11,400,000"
Insert: "500,000"
5. Page 2, line 2.
Strike: "11,300,000"
Insert: "10,306,000"
6. Page 2, line 4.
Strike: "13,074,000"
Insert: "5,340,000"
7. Page 2, line 5.
Strike: line 5 in its entirety.
8. Page 2, line 8.
Strike: "1,700,000"
Insert: "963,600"
9. Page 2, line 10.
Strike: "5,856,000"
Insert: "5,623,113"
10. Page 2, line 12.

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Strike: "1,000,000"

Insert: "1,028,000"

11. Page 2, line 14.

Strike: "4,950,000"

Insert: "3,950,000"

12. Page 2, following line 14.

Insert: "Addition to Special Education Building,
MSU-Billings 7,004,000

(2) It is the intent of the 55th legislature that at least 50% of all future operations and maintenance costs for the special education building addition at MSU-Billings be funded by Montana state university and that no more than 50% be funded with general fund money."

13. Page 2, line 17.

Strike: "\$61,808,700"

Insert: "\$43,319,315"

14. Page 3, following line 15.

Insert: "Section 8. Section 12, Chapter 774, Laws of 1991, providing appropriations of bond proceeds to the department of administration for capital projects on page 2877, Laws of 1991, is amended to read:

"Construct Women's Correction Center ~~10,075,600~~ 6,261,100"

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 47, introduced bill, be amended as follows:

1. Title, ~~line~~

Strike: "BY 3.5 PERCENT"

2. Title, line 6.

Following: "SCHOOLS"

Insert: "IN FISCAL YEAR 1998 AND FISCAL YEAR 1999"

Following: the first ";"

Insert: "APPROPRIATING FUNDS FOR DIRECT STATE AID AND GUARANTEED TAX BASE AID;"

3. Title, line 7.

Strike: "A DELAYED"

Following: "EFFECTIVE"

Strike: "DATE AND AN"

Insert: "DATES,"

Strike: "DATE"

Insert: "DATES, AND A TERMINATION DATE"

4. Page 2, line 3.

Strike: "\$197,690"

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Insert: "\$200,000"

5. Page 2, line 4.

Strike: "\$17,790"

Insert: "\$18,000"

6. Page 2, line 8.

Strike: "\$17,790"

Insert: "\$18,000"

7. Page 2, line 10.

Strike: "\$197,690"

Insert: "\$200,000"

8. Page 2, line 22.

Strike: "\$4,843"

Insert: "\$4,726"

9. Page 2, line 26.

Strike: "\$3,459"

Insert: "\$3,376"

10. Page 3, line 1.

Strike: "\$3,459"

Insert: "\$3,376"

11. Page 3, line 4.

Strike: "\$4,843"

Insert: "\$4,726"

12. Page 3, line 7.

Insert: "Section 2. Section 20-9-306, MCA, is amended to read:

"20-9-306. Definitions. As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "BASE" means base amount for school equity.

(2) "BASE aid" means:

(a) direct state aid for 40% of the basic entitlement and 40% of the total per-ANB entitlement for the general fund budget of a district; and

(b) guaranteed tax base aid for an eligible district for any amount up to 40% of the basic entitlement, up to 40% of the total per-ANB entitlement budgeted in the general fund budget of a district, and up to 40% of the special education allowable cost payment.

(3) "BASE budget" means the minimum general fund budget of a district, which includes 80% of the basic entitlement, 80% of the total per-ANB entitlement, and up to 140% of the special education allowable cost payment.

(4) "BASE budget levy" means the district levy in support of the BASE budget of a district, which may be supplemented by guaranteed tax base aid if the district is eligible under the provisions of 20-9-366 through 20-9-369.

(5) "BASE funding program" means the state program for the equitable distribution of the state's share of the cost of Montana's basic system of public elementary schools and high schools, through county

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equalization aid as provided in 20-9-331 and 20-9-333 and state equalization aid as provided in 20-9-343, in support of the BASE budgets of districts and special education allowable cost payments as provided in 20-9-321.

(6) "Basic entitlement" means:

- (a) ~~\$191,000~~ \$200,000 for each high school district;
- (b) ~~\$17,190~~ \$18,000 for each elementary school district or K-12 district elementary program without an approved and accredited junior high school or middle school; and
- (c) the prorated entitlement for each elementary school district or K-12 district elementary program with an approved and accredited junior high school or middle school, calculated as follows:
 - (i) ~~\$17,190~~ \$18,000 times the ratio of the ANB for kindergarten through grade 6 to the total ANB of kindergarten through grade 8; plus
 - (ii) ~~\$191,000~~ \$200,000 times the ratio of the ANB for grades 7 and 8 to the total ANB of kindergarten through grade 8.

(7) "Direct state aid" means 40% of the basic entitlement and 40% of the total per-ANB entitlement for the general fund budget of a district and funded with state and county equalization aid.

(8) "Maximum general fund budget" means a district's general fund budget amount calculated from the basic entitlement for the district, the total per-ANB entitlement for the district, and up to 153% of special education allowable cost payments.

(9) "Over-BASE budget levy" means the district levy in support of any general fund amount budgeted that is above the BASE budget and below the maximum general fund budget for a district.

(10) "Total per-ANB entitlement" means the district entitlement resulting from the following calculations:

(a) for a high school district or a K-12 district high school program, a maximum rate of ~~\$4,680~~ \$4,773 for the first ANB is decreased at the rate of 50 cents per ANB for each additional ANB of the district up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB;

(b) for an elementary school district or a K-12 district elementary program without an approved and accredited junior high school or middle school, a maximum rate of ~~\$3,343~~ \$3,410 for the first ANB is decreased at the rate of 20 cents per ANB for each additional ANB of the district up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(c) for an elementary school district or a K-12 district elementary program with an approved and accredited junior high school or middle school, the sum of:

(i) a maximum rate of ~~\$3,343~~ \$3,410 for the first ANB for kindergarten through grade 6 is decreased at the rate of 20 cents per ANB for each additional ANB up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(ii) a maximum rate of ~~\$4,680~~ \$4,773 for the first ANB for grades 7 and 8 is decreased at the rate of 50 cents per ANB for each additional ANB for grades 7 and 8 up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB."

NEW SECTION. Section 3. Appropriation. There is appropriated from the general fund \$13,929,000 for the biennium ending June 30, 1999, for direct state aid and guaranteed tax base aid."

Renumber: subsequent section

13. Page 3, line 8.

Strike: "date"

Insert: "dates"

Following: "applicability."

Insert: "(1) Except as provided in subsection (2),"

Strike: "This"

Insert: "this"

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Strike: "1998"

Insert: "1997"

14. Page 3, line 9.

Following: "for"

Insert: "the"

Strike: "years"

Insert: "year"

Strike: "on or after"

Strike: "1998"

Insert: "1997"

15. Page 3, line 10.

Insert: "(2) [Section 2] is effective July 1, 1998, and applies to school budgets for school fiscal years beginning on or after July 1, 1998.

NEW SECTION. Section 5. Termination. [Section 1] terminates June 30, 1998."

And, as amended, do pass. Report adopted.

HB 188, introduced bill, be amended as follows:

1. Page 2, line 3.

Strike: "\$17,750,000"

Insert: "\$14,000,000"

2. Page 2, line 12.

Strike: "22,200,000"

Insert: "19,800,000"

3. Page 2, line 13.

Strike: line 13 in its entirety.

4. Page 2, lines 18 and 19.

Strike: lines 18 and 19 in their entirety.

5. Page 2, line 22.

Strike: "\$55,050,000"

Insert: "\$37,900,000"

6. Page 2, following line 30.

Insert: "(3) It is the intent of the 55th legislature that bonds sold to purchase equipment be issued for a term that reflects the life of the assets. Therefore, of the \$33.8 million in bonding for the integrated revenue and tax systems and the MT PRRIME projects, \$1.75 million in bonds must be sold for a term of 4 years and \$4.45 million in bonds must be sold for a term of 5 years. The remaining \$27.6 million in bonds for these projects must be sold for a term of 10 years.

(4) It is the intent of the 55th legislature that if money becomes available from the federal department of labor for year 2000 compliance, the money must be used to pay debt service or retire outstanding principal

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on the \$3.6 million worth of bonds issued for the unemployment benefit package project. However, the Montana department of labor and industry shall maintain the flexibility to use some of the federal funds to replace base grant funds expended for year 2000 compliance purposes."

7. Page 3, line 13.

Strike: "\$12,600,000"

Insert: "\$11,000,000"

8. Page 3, line 25.

Strike: "(1)"

9. Page 3, line 28.

Following: "revenue"

Strike: ", "

Insert: "and"

Following: "industry"

Strike: ", and the Montana university system"

10. Page 3, line 30.

Strike: "(a)"

Insert: "(1)"

Renumber: subsequent subsections

11. Page 4, line 6.

Strike: "(i)"

Insert: "(a)"

Renumber: subsequent subsection

12. Page 4, line 6.

Following: "systems;"

Insert: "and"

13. Page 4, line 8.

Strike: "; and"

Insert: "."

14. Page 4, line 9.

Strike: line 9 in its entirety.

15. Page 4, lines 10 through 16.

Strike: lines 10 through 16 in their entirety.

And, as amended, do pass. Report adopted.

HB 578, introduced bill, do pass. Report adopted.

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ANNOUNCEMENTS

Representative Grinde moved the House adjourn until 8:30 a.m., Monday, March 17, 1997. Motion carried.

House adjourned at 3:44 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

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Helena, Montana
March 17, 1997

House Chambers
State Capitol

House convened at 8:47 a.m. Mr. Speaker in the Chair. Invocation by Representative Menahan. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman):

3/17/97

Correctly printed for second reading: HB 47, HB 578, HB 433, SB 67, SB 195, SB 148, SB 116, SB 57, SB 34.

Correctly engrossed for third reading: HB 249, HB 5, HB 585, SB 39, SB 41, SB 54, SB 55, SB 61, SB 68, SB 69, SB 92, SB 114, SB 138, SB 141, SB 144, SB 145, SB 163, SB 175, SB 197, SB 204, SB 298, SB 370.

Delivered to the Secretary of State at 4:00 p.m., March 17, 1997: HJR 10.

Delivered to the Governor for his approval at 10:30 a.m., March 17, 1997: HB 392, HB 211, HB 60, HB 108, HB 311, HB 40, HB 359, HB 195, HB 370, HB 98, HB 152.

Delivered to the Governor for his approval at 3:35 p.m., March 17, 1997: HB 385, HB 7, HB 69, HB 441, HB 340, HB 64, HB 367, HB 350, HB 227, HB 214, HB 262, HB 205, HB 225, HB 42, HB 310.

EDUCATION (Ellis, Chairman):

3/14/97

HJR 29, introduced bill, do pass. Report adopted.

HJR 30, introduced bill, do pass. Report adopted.

SB 117, be concurred in. Report adopted.

SB 313, be concurred in. Report adopted.

Mr. Speaker introduced this week's pages:

Erin Alcorn, Polson
Stephanie Hanna, Helena
Joshua Jannusch, Valier
Levi Johnson, Havre
Lianna Myers, Missoula
Rory O'Rourke, Columbia Falls
Amanda Reeves, Great Falls
Katie Ryan, Great Falls
Lisa Willis, Helena

MESSAGES FROM THE SENATE

House bills concurred in and returned to the House:

3/15/97

HB 46, introduced by Grinde

HB 197, introduced by Krenzler

HB 201, introduced by Krenzler

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HB 256, introduced by Bergman
HB 283, introduced by Swanson
HB 348, introduced by Harrington

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 3/15/97

HB 65, introduced by Menahan
HB 137, introduced by Smith
HB 202, introduced by Galvin
HB 222, introduced by Anderson
HB 302, introduced by Bohlinger
HB 320, introduced by Anderson
HB 331, introduced by Soft
HB 343, introduced by Grimes
HB 376, introduced by Tropila
HB 422, introduced by Gillan

House amendments to Senate bill concurred in: 3/15/97

SB 192, introduced by Keating

Senate bill passed and transmitted to the House for concurrence: 3/15/97

SB 386, introduced by Gage

Representative Grinde moved the House recess until 9:45 a.m. Motion carried.

House recessed at 8:52 a.m.

House reconvened at 9:55 a.m. Mr. Speaker in the Chair.

Roll call. All members present. Quorum present.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 39 concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

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Total 93

Noes: Adams, Arnott, DeBruycker, Jore, Keenan.

Total 5

Excused: None.

Total 0

Absent or not voting: McGee, Story.

Total 2

SB 41 concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Walters, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 84

Noes: Adams, Arnott, Boharski, DeBruycker, Jore, Keenan, Orr, Prouse, Rehbein, Tuss, Vick, Wagner, Wells, Wyatt.

Total 14

Excused: None.

Total 0

Absent or not voting: Hagener, McGee.

Total 2

SB 55 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

SB 61 concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnhart, Beaudry, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Hibbard, Kasten, Keenan, Kitzenberg, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Mills, Molnar, Mood, Ohs, Quilici, Raney, Rose, Ryan, Simon, Simpkins, Sliter, Smith, Soft, Stovall, Tash, Taylor, Vick, Wells, Wiseman, Zook, Mr. Speaker.

Total 58

Noes: Adams, Arnott, Barnett, Bergman, Carey, Cocchiarella, Curtiss, DeBruycker, Denny, Galvin, Hagener, Harrington, Hayne, Heavy Runner, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Knox, Kottel, Menahan, Orr, Pavlovich, Pease, Peck, Prouse, Ream, Rehbein, Sands, Schmidt, Simpson, Squires, Story, Swanson, Trexler, Tropila, Tuss, Wagner, Walters, Whitehead, Wyatt.

Total 42

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 585 failed (due to 3/4 vote requirement) as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McGee, Mills, Molnar, Mood, Ohs, Pavlovich, Quilici, Rehbein, Rose, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 62

Noes: Arnott, Barnhart, Brainard, Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Jore, Kottel, Krenzler, McCann, McCulloch, Menahan, Orr, Pease, Peck, Prouse, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.

Total 38

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 68 concurred in as follows:

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Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: DeBruycker, Grinde.

Total 2

Excused: None.

Total 0

Absent or not voting: Ellis, Schmidt.

Total 2

SB 69 concurred in as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 76

Noes: Adams, Arnott, Bankhead, Boharski, Bookout, Brainard, Curtiss, DeBruycker, Denny, Devaney, Grimes, Grinde, Hayne, Jore, Kasten, Keenan, Orr, Prouse, Rehbein, Sliter, Vick, Wagner, Walters, Wells.

Total 24

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 92 concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss,

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Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 81

Noes: Adams, Arnott, Boharski, Brainard, DeBruycker, Denny, Grinde, Jore, Keenan, McGee, Mills, Molnar, Orr, Prouse, Rehbein, Sliter, Vick, Wagner, Wells.

Total 19

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 114 concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 86

Noes: Adams, Arnott, Brainard, Curtiss, DeBruycker, Denny, Grinde, Hayne, Jore, McGee, Orr, Prouse, Rehbein, Wagner.

Total 14

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 138 concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Adams, Bookout, Brainard, Denny, Hagener, Jore, McGee, Prouse, Smith, Wagner.

Total 10

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Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 141 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pease, Peck, Prouse, Quilici, Raney, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 92

Noes: Brainard, Galvin, Harrington, Hurdle, McGee, Pavlovich, Ream, Wagner.
Total 8

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 144 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 94

Noes: Boharski, DeBruycker, Hurdle, Krenzler, Mood, Wagner.
Total 6

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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SB 145 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: McGee.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 163 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Bookout, Brainard, Denny, McGee.

Total 4

Excused: None.

Total 0

Absent or not voting: Holland.

Total 1

SB 175 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo,

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McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Boharski, Brainard, Cobb, Dowell, Heavy Runner, Hurdle, Jore, Pease, Whitehead.

Total 9

Excused: None.

Total 0

Absent or not voting: Grinde.

Total 1

SB 197 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 204 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

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Noes: DeBruycker.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 298 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 98

Noes: R. Johnson, Prouse.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 370 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 99

Noes: None.
Total 0

Excused: None.
Total 0

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Absent or not voting: Bergsagel.
Total 1

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Sliter in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 2 - Representative Zook moved HB 2 do pass.

Representative Grady made the opening remarks on Section A - General Government and Transportation.

Representative Cobb moved HB 2, second reading copy, be amended as follows (amendment #1):

1. Page A-9, following line 2.

Insert: "The department shall manage the highways special revenue account and generate reversions as necessary to attain a minimum ending cash balance in the account on June 30, 1999, of \$13.5 million. The department may not increase the cash balance at yearend by increasing liabilities or reducing other assets within the account for the purpose of circumventing legislative intent."

Explanation: This amendment notifies the Department of Transportation that it is the intent of the legislature that a minimum cash balance in the highways special revenue account at the end of fiscal 1999 of at least \$13.5 million must be achieved. Based on current cash flow projections, if the department expended its full appropriations per the Second Reading Copy of House Bill 2, it would end the 1999 biennium with only a \$7.5 million cash balance.

Amendment #1 passed as follows:

Ayes: Adams, Arnott, Barnett, Barnhart, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Curtiss, Denny, Dowell, Ellingson, Ewer, Hagener, H.S. Hanson, Harper, Heavy Runner, Hurdle, R. Johnson, Jore, Kasten, Keenan, McCann, McGee, Molnar, Orr, Peck, Prouse, Raney, Ream, Rehbein, Schmidt, Simpkins, Sliter, Soft, Story, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Wiseman, Mr. Speaker.
Total 48

Noes: Ahner, Anderson, Bankhead, Bergman, Bitney, Bookout, Cocchiarella, DeBruycker, Devaney, Ellis, Feland, Galvin, Gillan, Grady, Grimes, M. Hanson, Harrington, Hayne, Hibbard, Holland, J. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Quilici, Rose, Ryan, Simon, Simpson, Squires, Stovall, Swanson, Tash, Taylor, Whitehead, Wyatt, Zook.
Total 47

Excused: None.
Total 0

Absent or not voting: Beaudry, Grinde, Pease, Sands, Smith.
Total 5

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Representative Raney moved HB 2, second reading copy, be further amended (amendment #2). Motion failed as follows: (33-66)

Representative Kasten moved HB 2, second reading copy, be further amended (amendment #3).

Representative Cocchiarella moved the amendment be divided into three sections and voted on separately. Motion carried.

Amendment #3, section #2 reads as follows:

2. Page A-14, line 18.

Strike: "1,000,000"

General fund fiscal 1998

Insert: "359,905"

General fund fiscal 1998

Explanation: The second part funds the total general fund costs of both additions (\$640,095) through a reduction in the contingency appropriation established to partially offset vacancy savings, housed within the Department of Administration.

Amendment #3, section #2 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellis, Ewer, Feland, Galvin, Grady, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, McCann, McCulloch, McGee, Mills, Mood, Ohs, Orr, Pavlovich, Peck, Prouse, Raney, Rehbein, Rose, Sands, Simon, Simpkins, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wyatt, Zook, Mr. Speaker.

Total 76

Noes: Bankhead, Carey, Dowell, Ellingson, Gillan, Grimes, Hagener, Harper, Heavy Runner, Hurdle, Kottel, Krenzler, Masolo, Menahan, Molnar, Pease, Quilici, Ream, Tropila, Wiseman.

Total 20

Excused: None.

Total 0

Absent or not voting: Boharski, Ryan, Schmidt, Simpson.

Total 4

Amendment #3, section #1 reads as follows:

1. Page A-10, following line 25.

Insert: "c. Department of Labor and Industry/Department of Revenue Increased Processing Costs (Restricted/OTO)"

"291,900"

General fund fiscal 1998

"194,600"

State special fiscal 1998

"486,500"

Federal special fiscal 1998

"107,700"

General fund fiscal 1999

"71,800"

State special fiscal 1999

"179,500"

Federal special fiscal 1999

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Explanation: The first part of this amendment adds a total of \$399,600 general fund and \$932,400 other funds to the Department of Revenue (DOR) for implementation of the consolidation of unemployment insurance tax functions in the Department of Labor and Industry (DOLI) with withholding tax and old fund liability tax functions within DOR.

Amendment #3, section #1 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellis, Ewer, Feland, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: Brainard, Gillan, Heavy Runner, Hurdle, Jore, Marshall, Masolo, Molnar.

Total 8

Excused: None.

Total 0

Absent or not voting: Boharski, Dowell, Ellingson, Simpson.

Total 4

Amendment #3, section #3 reads as follows:

3. Page D-2, following line 11.

Insert: "c. HB 222 Implementation"

"81,963"

General fund fiscal 1998

"158,532"

General fund fiscal 1999

Explanation: The third part adds \$240,495 general fund to the Department of Justice to implement HB 222, which requires expedited death penalty activities.

Amendment #3, section #3 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Feland, Galvin, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Lawson, Marshall, Masolo, McCann, McGee, Mills, Mood, Ohs, Orr, Raney, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Tash, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 74

Noes: Carey, Cocchiarella, Ellingson, Gillan, Hagener, Harper, Hurdle, Krenzler, McCulloch, Menahan, Molnar, Pavlovich, Pease, Peck, Prouse, Quilici, Ream, Squires, Taylor, Tropila, Wyatt.

Total 21

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Excused: None.
Total 0

Absent or not voting: Adams, Boharski, Ewer, Swanson, Trexler.
Total 5

Representative Keenan moved HB 2, second reading copy, be further amended as follows (amendment #4):

1. Page A-4, following line 9.

Insert: "The Montana consensus council is appropriated any additional state special revenue money, up to \$66,000 in fiscal year 1998 and \$66,000 in fiscal year 1999, over the amount of the state special revenue appropriation for the Montana consensus council contained in item 1. Any state special revenue funds received in excess of the appropriation contained in item 1 must cause a reversion of a like amount of general fund money."

Explanation: This amendment requires the Montana Consensus Council to use any state special revenue it receives above the amount of its current state special revenue appropriation to offset its general fund appropriation.

Amendment #4 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 97

Noes: Feland.
Total 1

Excused: None.
Total 0

Absent or not voting: Boharski, Grinde.
Total 2

Representative Denny moved HB 2, second reading copy, be further amended as follows (amendment #5):

1. Page A-3, line 17.

Strike: "983,974"

Insert: "933,974"

2. Page A-3, following line 23.

Insert: "d. Montana Integrated Budget System Development (Restricted)
50,000" [General Fund, Fiscal 1998]

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3. Page A-4, following line 9.

Insert: "If House Bill No. 188 is passed and approved and includes at least \$500,000 for the Montana integrated budget system, the amount in item 4d may not be appropriated."

Amendment #5 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 90

Noes: Ellingson, Hagener, Hurdle, Pease, Peck, Wyatt.

Total 6

Excused: None.

Total 0

Absent or not voting: Boharski, Harrington, Jore, Tuss.

Total 4

Representative Menahan moved HB 2, second reading copy, be further amended (amendment #6). Motion failed as follows: (36-63)

Representative Grady moved to close on Section A of HB 2. Motion carried. (83-12)

Representative Mercer moved the House recess until 1:00 p.m. Motion carried.

House recessed at 11:49 a.m.

House reconvened at 1:00 p.m. Representative Hibbard in the Chair.

Representative Kasten made the opening remarks on Section B - Public Health and Human Services.

Representative Cobb moved HB 2, second reading copy, be further amended (amendment #1).

Representative Barnhart moved the amendment be divided into two sections and voted on separately. Motion carried.

Representative Kasten moved the amendment be further divided to create one additional section. Motion carried.

Amendment #1, section #4 reads as follows:

4. Page B-2, line 17.

Strike: "1,400,000" [fiscal 1998 general fund]

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"1,400,000" [fiscal 1999 general fund]
Insert: "100,000" [fiscal 1998 general fund]

Explanation: 3 & 4) These two items reduce the Children's Catastrophic Insurance appropriation from \$2.8 million for the 1999 biennium to \$100,000 for the biennium. The new appropriation is a biennial appropriation.

Amendment #1, section #4 passed as follows:

Ayes: Adams, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, Masolo, McGee, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Rehbein, Rose, Ryan, Sands, Simon, Simpkins, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 82

Noes: Ahner, Barnhart, Bergman, Galvin, Gillan, Hurdle, J. Johnson, Kottel, Krenzler, Lawson, McCann, McCulloch, Menahan, Ream, Schmidt, Simpson, Whitehead, Wyatt.

Total 18

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Amendment #1; sections #1,2,3,5 read as follows:

1. Page B-1, line 4.

Strike: "38,982,744	7,488,394	86,819,214	39,239,222	7,614,844	89,364,661"
Insert: "39,732,744	7,601,952	87,118,013	39,889,222	7,739,624	89,665,407"

2. Page B-1.

Following: Line 14.

Insert: "g. Foster Care/Law School Contract (Restricted/Biennial)

200,000" [fiscal 1998 general fund]

"h. Foster Care/Paralegal (Restricted/Biennial)

300,000" [fiscal 1998 general fund]

3. Page B-2, line 16.

Following: "Restricted"

Insert: "/Biennial"

5. Page B-6, following line 14.

Insert: "Item 1h is for the department to obtain paralegal services to assist the department in managing and preparing foster care cases for court review. It is the intent of the legislature that all cases be reviewed by the court within 6 months of a child being taken from the home. The department shall report to the joint oversight committee on children and families at every meeting on the progress of this initiative."

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Explanation: 1) This amendment adds \$1.4 million general fund and \$837,883 other funds to foster care in the 1999 biennium. The total additional funds added to foster care by legislative action so far in the 1997 session equals \$4,989,772.

2) This item adds \$200,000 general fund as a biennial appropriation and is intended for the department of public health and human services to contract with the University of Montana Law School to train and manage the legal aspects of foster care.

The second part of this item adds \$300,000 general fund as a biennial appropriation for the department of public health and human services to hire paralegal to help manage and prepare cases for foster care review by the court.

3 & 4) These two items reduce the Children's Catastrophic Insurance appropriation from \$2.8 million for the 1999 biennium to \$100,000 for the biennium. The new appropriation is a biennial appropriation.

5) This language accompanies the \$300,000 biennial appropriation (see amendment item #2) and states legislative intent regarding the use of the funds and accountability by the department.

Amendment #1, sections #1,2,3,5 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 88

Noes: Adams, Boharski, Brainard, DeBruycker, Grimes, Jore, Mills, Prouse, Rehbein, Vick, Wagner.
Total 11

Excused: None.
Total 0

Absent or not voting: Molnar.
Total 1

Amendment #1, sections #6,7 read as follows:

6. Page C-12.

Following: Line 21.

Insert: "11. Board of Investments (75)

a. Low-Income Housing Preservation (Restricted/Biennial/OTO)
800,000" [fiscal 1998 general fund]

ReNUMBER subsequent items.

7. Page C-13, following line 9.

Insert: "It is the intent of the legislature that \$800,000 be appropriated to the board of investments to initiate a deferred loan, in conjunction with other financing, to preserve affordable multifamily housing as originally provided for under the Emergency Low Income Housing Preservation Act of 1987 and the Low-Income

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Housing Preservation and Resident Homeownership Act of 1990."

LFD will adjust totals.

Explanation: 6 & 7) These amendments add \$800,000 general fund to the Board of Investments within the Department of Commerce for the purpose of purchasing and preserving 532 multifamily housing units formerly developed under Housing and Urban Development programs. The Board of Investments will work with the Housing Division on the financing arrangements.

Representative Peck excused at this time.

Amendment #1, sections #6,7 passed as follows:

Ayes: Arnott, Bankhead, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Gillan, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Prouse, Quilici, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman.
Total 73

Noes: Adams, Ahner, Anderson, Barnett, Barnhart, Boharski, Brainard, DeBruycker, Feland, Galvin, Grady, Grimes, Jore, Keenan, Rehbein, Vick, Wagner, Wyatt, Mr. Speaker.
Total 19

Excused: Peck.
Total 1

Absent or not voting: Harper, R. Johnson, Molnar, Raney, Soft, Squires, Zook.
Total 7

Representative Cobb moved HB 2, second reading copy, be further amended (amendment #2). Motion failed as follows: (38-58)

Representative Boharski moved HB 2, second reading copy, be further amended (amendment #3). Motion failed as follows: (23-74)

Representative Cobb moved HB 2, second reading copy, be further amended as follows (amendment #4):

1. Page B-1, line 4.
Strike: "38,982,744" Insert: "38,889,386"
Strike: "39,239,222" Insert: "39,153,907"

2. Page B-2, following line 3.
Insert: "d. Two FTE for Tribal Courts (Restricted)
 93,358 85,315"

3. Page B-8, following line 21.
Insert: "If the CS&ED does not enhance collections of child support for Indian children by an amount equal to

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\$93,358 by the end of fiscal year 1998, then the fiscal year 1999 appropriation to the CSED of general fund money in item 3d must be reverted."

LFD will adjust totals.

Explanation: This amendment adds \$93,358 of general fund in fiscal year 1998 and \$85,315 of general fund in fiscal year 1999 to the Child Support Enforcement Division of the Department of Public Health and Human Services. The general funds are transferred from the general fund appropriation for the Child and Family Services Division from the TANF (welfare) budget.

The funds are restricted for the purpose of hiring two FTE who would represent the department in Tribal Courts. These FTE would address cases that are awaiting resolution. Funding for fiscal year 1999 is contingent upon the successful collection of child support for Indian children that equals \$93,358 by the end of fiscal year 1998.

Amendment #4 passed as follows:

Ayes: Ahner, Barnett, Barnhart, Beaudry, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Hagener, H.S. Hanson, Harper, Harrington, Heavy Runner, Holland, Hurdle, J. Johnson, Keenan, Kitzenberg, Knox, Kottel, Krenzler, McCann, McCulloch, McGee, Menahan, Mood, Ohs, Orr, Pavlovich, Pease, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wells, Whitehead, Wyatt, Zook, Mr. Speaker.

Total 68

Noes: Adams, Anderson, Arnott, Bankhead, Bergsagel, Bitney, DeBruycker, Devaney, Grinde, M. Hanson, Hayne, Hibbard, R. Johnson, Jore, Kasten, Lawson, Marshall, Masolo, Mills, Molnar, Prouse, Rehbein, Sliter, Smith, Soft, Vick, Wagner, Walters, Wiseman.

Total 29

Excused: Peck.

Total 1

Absent or not voting: Bookout, Grimes.

Total 2

Representative Cobb moved HB 2, second reading copy, be further amended as follows (amendment #5):

1. Page B-1.

Following: Line 14.

Insert: "f. Enhanced Medicaid Administration Funds (Restricted/Biennial/OTO)"

"2,764,134" [fiscal 1998 federal funds]

LFD will amend totals.

Explanation: This amendment adds federal spending authority to PHHS in fiscal 1998 for a biennial, restricted, one-time only appropriation for the purpose of expending additional federal funds available under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (the federal welfare reform law). These funds are made available to states at a 90% federal/10% state match and can be used for additional Medicaid administrative expenditures that states incurred as a result of implementing the federal welfare reform law.

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Amendment #5 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Adams, Boharski, Brainard, DeBruycker, Jore, Prouse, Rehbein, Wagner.

Total 8

Excused: Peck.

Total 1

Absent or not voting: Bergsagel, Grimes.

Total 2

Representative Swanson moved HB 2, second reading copy, be further amended (amendment #6). Motion failed as follows: (35-64)

Representative Cobb moved HB 2, second reading copy, be further amended as follows (amendment #7):

1. Page B-1, line 4.

Strike: "38,982,744"

Insert: "38,979,744"

2. Page D-5.

Following: Line 2.

Insert: "b. Forklift for Food (Restricted/OTO)

3,000" (Fiscal 1998 General Fund)

LFD will amend totals.

Explanation: The purpose of this amendment is to take \$3,000 out of the \$25,000 state food bank fiscal 1998 general fund allocation in the Child and Family Services Division and move it to the Montana State Prison farm for the purpose of purchasing a fork lift to assist with farm work and the proposed work with the state food bank network.

Amendment #7 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnhart, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Masolo, McCann, McGee, Menahan, Mills, Mood, Ohs, Orr, Pease, Prouse, Quilici, Raney, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story,

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Stovall, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 75

Noes: Adams, Bankhead, Barnett, Beaudry, Bergman, Boharski, DeBruycker, Feland, Grady, Grinde, Hayne, Holland, Jore, Marshall, McCulloch, Molnar, Pavlovich, Ream, Rehbein, Rose, Sliter, Swanson, Vick, Walters.
Total 24

Excused: Peck.
Total 1

Absent or not voting: None.
Total 0

Representative Molnar moved HB 2, second reading copy, be further amended as follows (amendment #8):

1. Page B-1, line 16.

Strike: "408,173"	[Fiscal 1998	General Fund]
Insert: "395,217"	[Fiscal 1998	General Fund]
Strike: "829,271"	[Fiscal 1998	State Special Revenue]
Insert: "825,492"	[Fiscal 1998	State Special Revenue]
Strike: "696,283"	[Fiscal 1998	Federal Funds]
Insert: "677,028"	[Fiscal 1998	Federal Funds]
Strike: "406,536"	[Fiscal 1999	General Fund]
Insert: "393,580"	[Fiscal 1999	General Fund]
Strike: "888,821"	[Fiscal 1999	State Special Revenue]
Insert: "885,042"	[Fiscal 1999	State Special Revenue]
Strike: "698,208"	[Fiscal 1999	Federal Funds]
Insert: "678,953"	[Fiscal 1999	Federal Funds]

Explanation: This amendment deletes funding for the Interagency Coordinating Council for Prevention Programs in the Director's Office of the Department of Public Health and Human Services. The total amount deleted equals \$35,990 (equals \$12,956 of general fund, \$3,779 of state special revenue, and \$19,255 of federal funds) for each year of the biennium.

Amendment #8 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grinde, H.S. Hanson, M. Hanson, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, McCann, McGee, Mills, Molnar, Mood, Ohs, Orr, Prouse, Rehbein, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Walters, Wells, Wiseman, Zook.
Total 55

Noes: Barnhart, Bohlinger, Carey, Cobb, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper,

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Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kottel, Krenzler, Lawson, Masolo, McCulloch, Menahan, Pavlovich, Pease, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt, Mr. Speaker.

Total 42

Excused: Peck.

Total 1

Absent or not voting: Grimes, Wagner.

Total 2

Representative Cobb moved HB 2, second reading copy, be further amended as follows (amendment #9):

1. Page B-2, line 5.

Strike: "45,654,096 46,465,619"

Insert: "45,637,796 46,451,319"

2. Page B-2.

Following: Line 17.

Insert: "f. Rebate Collection Staff (OTO)

 "16,300" [fiscal 1998 general fund]

 "16,300" [fiscal 1998 federal funds]

 "14,300" [fiscal 1999 general fund]

 "14,300" [fiscal 1999 federal funds]

LFD will adjust the totals.

Explanation: This amendment adds 1.0 FTE to the DPHHS Health Policy & Services Division for the purpose of collecting additional pharmacy rebates and working to improve efficiencies in the durable medical equipment program. This position is funded 50% from state general fund and 50% from federal Medicaid funds. The general fund is reallocated from the division's general Medicaid appropriation. The amendment makes the position a "one-time only" FTE which means that the position will not be included in the executive present law budget for the 2001 biennium and would have to be justified to the next legislature for continued funding. Total impact is an increase of \$30,600 federal funds.

Representative Sliter assumed the Chair at this time.

Amendment #9 passed as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Dowell, Ellingson, Ewer, Galvin, Gillan, Grimes, Grinde, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Kottel, Krenzler, McCulloch, McGee, Menahan, Orr, Pavlovich, Pease, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Soft, Squires, Swanson, Tash, Trexler, Tropila, Tuss, Wagner, Wells, Whitehead, Wyatt, Mr. Speaker.
Total 59

Noes: Adams, Beaudry, Bergsagel, Boharski, Brainard, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, H.S. Hanson, M. Hanson, Hayne, Holland, Jore, Kasten, Knox, Lawson, Marshall, Masolo, McCann, Mills, Molnar, Mood, Ohs, Prouse, Rehbein, Rose, Sliter, Story, Stovall, Taylor, Vick, Walters, Wiseman, Zook.

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Total 37

Excused: Peck.

Total 1

Absent or not voting: Arnott, Bankhead, Smith.

Total 3

Representative Cobb moved HB 2, second reading copy, be further amended (amendment #10). Motion failed as follows: (26-69)

Representative Cobb moved HB 2, second reading copy, be further amended (amendment #11). Motion failed as follows: (35-54)

Representative Ellingson moved HB 2, second reading copy, be further amended (amendment #12). Motion failed as follows: (37-61)

Representative Menahan moved HB 2, second reading copy, be further amended (amendment #13). Motion failed as follows: (37-62)

Representative Grinde moved the committee rise and report and report progress on HB 2. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Sliter moved that the Committee of the Whole report be adopted. Report adopted. (73-24)

MOTIONS

Representative Boharski moved he be allowed to register his vote on all third reading bills on this legislative day. Motion carried.

SB 325 and SB 338 - Representative Grinde moved SB 325 and SB 338 be taken from the Committee on Business & Labor and rereferred to the Committee on State Administration. Motion carried.

SB 132 - Representative Grinde moved the House reconsider its action on SB 132 taken on second reading the previous legislative day.

Representative H. Hanson moved for previous question. Motion carried.

Motion to reconsider SB 132 failed. (44-54)

HB 112 - Representative Cocchiarella moved HB 112 be placed on second reading for further action. Motion failed. (43-54)

ANNOUNCEMENTS

Representative Grinde moved the House adjourn until 8:00 a.m., Tuesday, March 18, 1997. Motion carried.

House adjourned at 4:59 p.m.

HOUSE JOURNAL
FIFTY-EIGHTH LEGISLATIVE DAY - MARCH 17, 1997

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL
FIFTY-NINTH LEGISLATIVE DAY**

Helena, Montana
March 18, 1997

House Chambers
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Bankhead. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 3/18/97
Correctly printed for second reading: HB 590, HB 188, HB 14, SB 313, SB 117, HJR 30, HJR 29.
Correctly enrolled: HB 46, HB 197, HB 201, HB 256, HB 283, HB 348.
Signed by the Speaker at 5:55 p.m., March 17, 1997: HB 330, HB 257, HB 314.

HUMAN SERVICES (Grimes, Chairman): 3/17/97
SJR 8, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

House bills concurred in and returned to the House: 3/17/97

HB 110, introduced by Swanson
HB 357, introduced by Wells
HB 381, introduced by Hibbard
HB 382, introduced by Orr
HB 402, introduced by Holland
HB 411, introduced by Ahner
HB 470, introduced by Heavy Runner
HB 486, introduced by Tuss
HB 501, introduced by Wagner
HB 506, introduced by Story
HB 507, introduced by Story

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 3/17/97

HB 4, introduced by Grady
HB 180, introduced by Bohlinger
HB 251, introduced by Holland

House bill not concurred in and returned to the House: 3/15/97

HB 351, introduced by Bookout-Reinicke

**FIRST READING AND COMMITMENT
OF BILLS AND RESOLUTIONS**

The following House bill was introduced, read first time, and referred to committee:

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HJR 31, introduced by Pease, Tash, referred to Committee on Education.

The following Senate bills were introduced, read first time, and referred to committees:

SB 89, introduced by Beck, (by request of the Blue Ribbon Telecommunications Task Force) referred to Committee on Business & Labor.

SB 386, introduced by Gage, referred to Committee on Taxation.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Pavlovich in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Representative Grimes moved HB 2, second reading copy, be further amended (amendment #14).

Representative Barnhart moved the amendment be divided into two sections and voted on separately. Motion carried.

Amendment #14, section #1 failed as follows: (45-51)

Representative Grimes withdrew Amendment #14.

Representative Ahner moved HB 2, second reading copy, be further amended as follows (amendment #15):

1. Page B-2, following line 9.

Strike: lines 10 and 11 in their entirety.

Re-number: subsequent subsections

2. Page B-8, line 24.

Strike: "4f"

Insert: "4e"

Explanation: This amendment reduces general fund by \$250,000 in general fund each year of the biennium in the Health Policy and Services Division. The funding is for the Prevention of Unintended Pregnancies.

Representative Cocchiarella moved for cloture. Motion carried.

Speaker Mercer ruled the cloture motion out of order on discussion of HB 2.

Amendment #15 passed as follows:

Ayes: Adams, Ahner, Arnott, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grimes, H.S. Hanson, M. Hanson, Hayne, Holland, Jore, Kasten, Keenan, Knox, Lawson, McCann, McGee, Mills, Molnar, Mood, Ohs, Orr, Prouse, Rehbein, Simpkins,

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Sliter, Smith, Story, Stovall, Taylor, Trexler, Vick, Wagner, Walters, Wells, Zook, Mr. Speaker.
Total 50

Noes: Anderson, Bankhead, Barnhart, Bohlinger, Carey, Cobb, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Grinde, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Kottel, Krenzler, Marshall, Masolo, McCulloch, Menahan, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Soft, Squires, Swanson, Tash, Tropila, Tuss, Whitehead, Wiseman, Wyatt.
Total 49

Excused: None.
Total 0

Absent or not voting: Grady.
Total 1

Representative Jore moved HB 2, second reading copy, be further amended as follows (amendment #16):

1. Page B-2, line 5.
Strike: "162,514,101 171,380,813" [Federal Special Revenue]
Insert: "162,437,120 171,303,832" [Federal Special Revenue]

LFD will adjust totals.

Explanation: This amendment deletes the funding for the School Health Coordinator in the Department of Public Health and Human Services. The funding deleted is \$76,981 of federal special revenue each year of the biennium.

Amendment #16 passed as follows:

Ayes: Adams, Ahner, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Grimes, H.S. Hanson, M. Hanson, Hayne, Holland, Jore, Kasten, Keenan, Knox, Lawson, Masolo, McGee, Mills, Molnar, Mood, Ohs, Orr, Prouse, Rehbein, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook.
Total 52

Noes: Anderson, Barnhart, Bohlinger, Carey, Cocchiarella, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Kottel, Krenzler, Marshall, McCann, McCulloch, Menahan, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt, Mr. Speaker.
Total 47

Excused: None.
Total 0

Absent or not voting: Hibbard.
Total 1

Representative Harrington assumed the Chair at this time.

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Representative Cobb moved HB 2, second reading copy, be further amended (amendment #17). Motion failed as follows: (31-64)

Representative Wyatt moved HB 2, second reading copy, be further amended (amendment #18). Motion failed as follows: (41-57)

Representative Cobb moved HB 2, second reading copy, be further amended (amendment #19). Motion failed as follows: (45-54)

Representative Tuss moved HB 2, second reading copy, be further amended (amendment #20). Motion failed as follows: (34-66)

Representative DeBruycker moved HB 2, second reading copy, be further amended as follows (amendment #21):

1. Page B-2, line 19.

Strike: "1,208,459 2,967,889 1,204,233 2,969,174" [general fund, federal]

Insert: "1,295,416 3,028,614 1,291,558 3,030,636" [general fund, federal]

2. Page C-5, line 17.

Strike: "1,035,362 4,474,002 1,027,586 4,403,815" [general fund, federal]

Insert: "948,405 4,413,277 940,261 4,342,353" [general fund, federal]

LFD will amend totals.

Explanation: This amendment implements the funding of Senate Bill 14 which transfers the mammography and x-ray inspection and certification program from the Department of Environmental Quality to the Department of Public Health and Human Services. Funding in PHHS is increased by \$147,682 (\$86,957 general fund and \$60,725 federal funds) in fiscal 1998 and \$148,787 (\$87,325 general fund and \$61,462 federal funds) in fiscal 1999. FTE are increased by 2.00. Corresponding reductions are made in DEQ.

Amendment #21 passed as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Adams, Arnott, Bergsagel, Cocchiarella, Gillan, Harrington, Hurdle, Jore, Keenan, Whitehead.
Total 10

Excused: None.

Total 0

Absent or not voting: Bitney.

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Total 1

Representative Cobb moved HB 2, second reading copy, be further amended as follows (amendment #22):

1. Page B-3, line 18.

Strike: "44,631,387	39,523,518	45,148,278	41,473,389"
Insert: "34,631,387	38,652,035	35,148,278	40,601,906"

2. Page B-3, following line 18.

Insert: "a. Managing Resources Montana (Restricted)"

"10,000,000" [fiscal 1998 general fund]

"871,483" [fiscal 1998 federal funds]

"10,000,000" [fiscal 1999 general fund]

"871,483" [fiscal 1999 federal funds]

3. Page B-12, following line 13.

Insert: "It is the intent of the legislature that the appropriation contained in item 9a be used only to continue the managing resources Montana program and not be used for the mental health managed care contract."

LFD will adjust totals.

Explanation: This amendment removes \$10,000,000 general fund and \$871,483 federal block grant funds each year from the mental health managed care program and allocates it to the Managing Resources Montana program. The appropriation is restricted for use by the Managing Resources Montana program only.

Amendment #22 passed as follows:

Ayes: Adams, Ahner, Arnott, Bankhead, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Cobb, Curtiss, DeBruycker, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Grinde, Harrington, Heavy Runner, Jore, Keenan, Krenzler, McGee, Menahan, Molnar, Mood, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Ryan, Sands, Simpkins, Simpson, Sliter, Smith, Squires, Swanson, Trexler, Tropila, Tuss, Wagner, Wells.

Total 51

Noes: Anderson, Barnett, Barnhart, Beaudry, Bohlinger, Carey, Clark, Cocchiarella, Devaney, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Lawson, Marshall, Masolo, McCann, McCulloch, Mills, Ohs, Rose, Schmidt, Simon, Soft, Story, Stovall, Tash, Taylor, Vick, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 49

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Cobb moved HB 2, second reading copy, be further amended (amendment #23). Motion failed as follows: (40-58)

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Representative Sands moved HB 2, second reading copy, be further amended (amendment #24). Motion failed as follows: (31-66)

Representative Molnar moved HB 2, second reading copy, be further amended as follows (amendment #25):

1. Page B-4, following line 21.

Insert: "The legislative audit committee shall conduct a performance review and shall report on the rates of success and recidivism for the foster care, therapeutic foster care, and juvenile aftercare programs to the 56th legislature."

Amendment #25 passed as follows:

Ayes: Adams, Ahner, Arnott, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Dowell, Ellingson, Ewer, Galvin, Gillan, Grimes, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Jore, Keenan, Knox, Kottel, Lawson, McCulloch, McGee, Menahan, Mills, Molnar, Orr, Pease, Peck, Prouse, Raney, Ream, Ryan, Sands, Schmidt, Simpkins, Simpson, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 71

Noes: Anderson, Bankhead, Barnett, Devaney, Ellis, Feland, Grady, Grinde, Hagener, Harrington, Kasten, Kitzenberg, Krenzler, Marshall, Masolo, Mood, Ohs, Pavlovich, Quilici, Rehbein, Rose, Simon, Sliter, Story, Whitehead, Wyatt.

Total 26

Excused: None.

Total 0

Absent or not voting: Holland, McCann, Smith.

Total 3

Representative Tuss moved HB 2, second reading copy, be further amended (amendment #26). Motion failed as follows: (39-60)

Representative Cobb moved HB 2, second reading copy, be further amended as follows (amendment #27):

1. Page B-6, following line 14.

Insert: "It is the intent of the legislature that the department collect child support payments from parents for foster care support within 2 months after a child has been removed from the home."

Explanation: Current department policy dictates that child support payments from parents for foster care support begin 6 months after a child has been removed from the home.

Amendment #27 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Bergsagel, Bitney, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann,

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McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Adams, Bergman, Boharski, Brainard, DeBruycker, Jore, McGee.

Total 7

Excused: None.

Total 0

Absent or not voting: Beaudry, Bohlinger.

Total 2

Representative Cobb moved HB 2, second reading copy, be further amended as follows (amendment #28):

1. Page B-9, following line 16.

Insert: "The health policy and services division shall ensure that in order to reduce general fund expenditures, the average 5-year pregnancy rate for Montana females 15 to 19 years of age must be reduced by 10% by the end of the 1999 biennium from the current statewide rate of 64.1 per 1,000. In addition, the department shall pursue a goal of reducing each county's teen pregnancy rate, upon which this statewide rate is based, by 10%."

Amendment #28 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergsagel, Bitney, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: Boharski.

Total 1

Excused: None.

Total 0

Absent or not voting: Bergman, Bohlinger.

Total 2

Representative Cobb moved HB 2, second reading copy, be further amended (amendment #29). Motion failed as follows: (13-83)

Representative Cobb moved HB 2, second reading copy, be further amended (amendment #30). Motion failed as

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follows: (44-52)

Representative Cobb moved HB 2, second reading copy, be further amended as follows (amendment #31):

1. Page B-10, following line 8.

Insert: "A total of \$75,000 of the general fund appropriation for fiscal year 1998 and \$75,000 of the general fund appropriation for fiscal year 1999 contained in item 4 for the medicaid program must be used to provide \$25,000 a year for as many as three Indian reservations for the Montana initiative for the abatement of mortality in infants (MIAMI) program."

LFD will adjust totals.

Amendment #31 passed as follows:

Ayes: Ahner, Barnhart, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grinde, Hagener, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kitzenberg, Knox, Kottel, Krenzler, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Wagner, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 71

Noes: Adams, Anderson, Arnott, Barnett, Beaudry, Bergman, Bergsagel, Bitney, DeBruycker, Devaney, Grady, Grimes, H.S. Hanson, Hayne, Holland, R. Johnson, Jore, Kasten, Keenan, Lawson, Marshall, Masolo, Molnar, Prouse, Soft, Vick, Walters.

Total 27

Excused: None.

Total 0

Absent or not voting: Bankhead, Tuss.

Total 2

Representative Pavlovich resumed the Chair at this time.

Representative Barnhart moved HB 2, second reading copy, be further amended as follows (amendment #32):

1. Page B-10.

Following: Line 8.

Insert: "It is the intent of the legislature that the department cooperate with state agencies, organizations, retailers, consumers, and advocate groups in order to organize a coordinated redistribution program for durable medical equipment in Montana."

Amendment #32 passed as follows:

Ayes: Ahner, Anderson, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, McCann, McCulloch, McGee, Menahan, Mills, Mood,

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Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Wells, Whitehead, Wiseman, Wyatt, Mr. Speaker.

Total 77

Noes: Adams, Arnott, Barnett, Bergsagel, DeBruycker, Devaney, Feland, Grady, Grimes, Hayne, Jore, Orr, Trexler, Vick, Wagner, Walters, Zook.

Total 17

Excused: None.

Total 0

Absent or not voting: Bankhead, Bohlinger, Grinde, Masolo, Molnar, Sliter.

Total 6

Representative Tuss moved HB 2, second reading copy, be further amended (amendment #33). Motion failed as follows: (42-56)

Representative Cobb moved HB 2, second reading copy, be further amended (amendment #34).

Representative Molnar moved the amendment be divided into two sections and voted on separately. Motion carried.

Amendment #34, section #1 reads as follows:

1. Page B-11.

Following: Line 5.

Insert: "The general fund share collected from the lien and estate recoveries pursuant to Title 53, chapter 6, part 1, in excess of the first \$600,000 is appropriated as follows:

(1) 50% to the nonmedicaid home health care program.

Amendment #34, section #1 passed as follows:

Ayes: Ahner, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Dowell, Ellingson, Ellis, Galvin, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Squires, Swanson, Tash, Taylor, Tropila, Tuss, Wells, Whitehead, Wyatt, Zook, Mr. Speaker.

Total 67

Noes: Adams, Anderson, Arnott, Barnett, Bergsagel, Brainard, DeBruycker, Devaney, Feland, Gillan, Grady, Grimes, Hayne, R. Johnson, Jore, Kasten, Keenan, Kottel, Mood, Orr, Prouse, Soft, Story, Trexler, Vick, Wagner, Walters, Wiseman.

Total 28

Excused: None.

Total 0

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Absent or not voting: Bankhead, Boharski, Ewer, Smith, Stovall.

Total 5

Amendment #34, section #2 failed as follows: (46-52)

Representative Cobb moved HB 2, second reading copy, be further amended (amendment #35). Motion failed as follows: (35-65)

Representative Jore moved HB 2, second reading copy, be further amended as follows (amendment #36):

1. Page B-1, line 4.

Strike: "38,982,744	39,239,222"	[General Fund]
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Insert: "38,318,744	38,575,222"	[General Fund]
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LFD will adjust totals.

Explanation: This amendment deletes the funding for the Family Preservation Services of the Child & Family Services Division in DPHHS. This amendment deletes the funding of \$664,000 general fund each year of the biennium.

Amendment #36 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Barnett, Beaudry, Bergman, Bitney, Boharski, Bookout, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, Jore, Kasten, Keenan, Knox, Lawson, Marshall, Masolo, McGee, Mills, Molnar, Mood, Orr, Prouse, Rehbein, Rose, Simon, Simpkins, Sliter, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 53

Noes: Bankhead, Barnhart, Bergsagel, Bohlinger, Carey, Cobb, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Kottel, Krenzler, McCann, McCulloch, Menahan, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Smith, Soft, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.

Total 47

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative R. Johnson moved the House reconsider its action on HB 2 - Section B, Amendment #22 taken on second reading this legislative day. Motion carried. (68-30)

Reconsidered Amendment #22 failed as follows:

Ayes: Adams, Arnott, Bankhead, Barnett, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Cobb, Curtiss, DeBruycker, Denny, Dowell, Ellingson, Galvin, Grinde, Heavy Runner, Holland, Jore, Keenan, Kitzenberg, McGee, Menahan, Molnar, Orr, Pease, Peck, Prouse, Raney, Rehbein, Simpkins, Simpson, Sliter,

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Smith, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead.

Total 43

Noes: Ahner, Anderson, Barnhart, Beaudry, Bohlinger, Carey, Clark, Cocchiarella, Devaney, Ellis, Ewer, Feland, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Hurdle, J. Johnson, R. Johnson, Kasten, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Mills, Mood, Ohs, Pavlovich, Quilici, Ream, Rose, Ryan, Sands, Schmidt, Simon, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 57

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Bohlinger moved the House reconsider its action on HB 2 - Section B, Amendment #15 taken on second reading this legislative day. Motion failed. (44-55)

Representative Kasten moved to close on Section B of HB 2. Motion carried. (69-29)

Representative Grinde moved the House Chambers stand at ease until 2:00 p.m. Motion carried.

House reconvened at 2:00 p.m.

Roll call. All members present. Quorum present.

Representative Harrington assumed the Chair at this time.

Representative DeBruycker made the opening remarks on Section C - Natural Resources and Commerce.

Representative Kitzenberg moved HB 2, second reading copy, be further amended (amendment #1).

Representative Boharski moved the amendment be divided into two sections and voted on separately. Motion carried.

Amendment #1, section #1 reads as follows:

1. Page C-2, line 25.

Strike: "289,799" [general fund, fiscal 1998]

Insert: "244,799" [general fund, fiscal 1998]

LFD will amend totals.

Explanation: This amendment reduces general fund in the Parks Division of the Department of Fish, Wildlife, and Parks and increases general fund in the Economic Development Division of the Department of Commerce as a grant for the Fort Peck Interpretive Center.

Amendment #1, section #1 passed as follows:

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Ayes: Adams, Ahner, Anderson, Arnott, Barnhart, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Feland, Galvin, Gillan, Grimes, Hagener, M. Hanson, Harper, Harrington, Heavy Runner, Holland, Hurdle, J. Johnson, Jore, Kasten, Keenan, Kitzenberg, Kottel, Krenzler, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Rehbein, Ryan, Sands, Schmidt, Simpkins, Simpson, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wyatt, Zook.

Total 72

Noes: Bankhead, Barnett, Bookout, Cobb, Ellingson, Ellis, Ewer, Grady, Grinde, H.S. Hanson, Hayne, Hibbard, R. Johnson, Knox, Lawson, Marshall, Ream, Rose, Simon, Sliter, Smith, Story, Tuss, Wiseman, Mr. Speaker.

Total 25

Excused: None.

Total 0

Absent or not voting: Beaudry, Denny, Molnar.

Total 3

Amendment #1, section #2 failed as follows: (49-51)

Representative Rehbein moved HB 2, second reading copy, be further amended as follows (amendment #2):

1. Page C-2, line 23.

Strike: "57,455" 57,455" [state special]

Insert: "87,455" 87,455" [state special]

2. Page C-3.

Strike: lines 13 and 14 in their entirety

3. Page C-5.

Strike: lines 8 through 10 in their entirety

Explanation: This amendment eliminates the "survey of programs" new proposal in the Department Management Division in the Department of Fish, Wildlife and Parks and funding of \$30,000 state special each fiscal year. Funding for the "coyote control study" new proposal in the Wildlife Division is increased \$30,000 state special each fiscal year.

Amendment #2 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Clark, Curtiss, Dowell, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Hayne, Holland, Hurdle, R. Johnson, Jore, Kitzenberg, Knox, Masolo, McCann, McGee, Mills, Mood, Ohs, Orr, Prouse, Raney, Rehbein, Simpkins, Simpson, Sliter, Squires, Story, Stovall, Taylor, Trexler, Wagner, Wells, Zook, Mr. Speaker.

Total 53

Noes: Barnhart, Boharski, Carey, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Ellingson, Ewer, Galvin, Gillan, Hagener, Harrington, Heavy Runner, Hibbard, J. Johnson, Kasten, Keenan, Kottel, Krenzler, Lawson, Marshall, McCulloch, Menahan, Pavlovich, Pease, Peck, Quilici, Ream, Rose, Ryan, Sands, Schmidt, Simon, Soft,

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Swanson, Tash, Tropila, Tuss, Vick, Walters, Whitehead, Wiseman, Wyatt.
Total 45

Excused: None.
Total 0

Absent or not voting: Molnar, Smith.
Total 2

Representative McCann moved HB 2, second reading copy, be further amended as follows (amendment #3):

1. Page C-2.

Following: line 23

Insert: "g. Black-Footed Ferret Reintroduction (OTO)

18,750 56,250 18,750 56,250" [state special, federal]

Explanation: This amendment adds \$75,000 each fiscal year to the Wildlife Division in the Department of Fish, Wildlife and Parks for efforts to reintroduce the blackfooted ferret to the Fort Belknap Reservation.

Amendment #3 passed as follows:

Ayes: Ahner, Bankhead, Bitney, Bohlinger, Bookout, Carey, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Galvin, Gillan, Grady, Grimes, Hagener, M. Hanson, Harper, Harrington, Hibbard, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Kottel, Krenzler, Masolo, McCann, McCulloch, McGee, Menahan, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt.
Total 65

Noes: Adams, Anderson, Arnott, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Boharski, Clark, DeBruycker, Ewer, Feland, Grinde, H.S. Hanson, Hayne, Holland, Jore, Kasten, Knox, Lawson, Marshall, Mills, Prouse, Rehbein, Schmidt, Simon, Sliter, Tuss, Vick, Zook, Mr. Speaker.
Total 32

Excused: None.
Total 0

Absent or not voting: Brainard, Heavy Runner, Molnar.
Total 3

Representative Kitzenberg moved HB 2, second reading copy, be further amended (amendment #4). Motion failed as follows: (39-57)

Representative Kitzenberg moved HB 2, second reading copy, be further amended (amendment #5). Motion failed as follows: (43-53)

Representative Kitzenberg moved HB 2, second reading copy, be further amended (amendment #6).

Representative Kitzenberg withdrew Amendment #6.

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Representative Raney moved HB 2, second reading copy, be further amended (amendment #7). Motion failed as follows: (21-78)

Representative Pavlovich resumed the Chair at this time.

Representative Grady moved HB 2, second reading copy, be further amended (amendment #8). Motion failed as follows: (16-82)

Representative Raney moved HB 2, second reading copy, be further amended (amendment #9). Motion failed as follows: (44-55)

Representative Kitzenberg moved HB 2, second reading copy, be further amended as follows (amendment #10):

1. Page C-7, line 21.

Strike: "3,274,752	3,271,097"	[general fund, fiscal 1998 & 1999]
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Insert: "3,200,229	3,167,105"	[general fund, fiscal 1998 & 1999]
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2. Page C-8, line 2.

Strike: "1,703,556	1,753,293"	[general fund, fiscal 1998 & 1999]
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Insert: "1,778,079	1,857,285"	[general fund, fiscal 1998 & 1999]
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LFD will amend totals.

Explanation: This amendment adds \$74,523 general fund in fiscal 1998 and \$103,992 in fiscal 1999 to the Centralized Services Division in the Department of Natural Resources and Conservation to increase state lands equalization payments to counties. Funding is reduced by equal amounts in the Trust Land Management Division. Currently in HB 2, the state lands equalization payment is budgeted for \$496,594 in fiscal 1998 and in fiscal 1999 - the same amount paid in calendar 1995. The amount requested by counties for calendar 1996 was \$543,093, but only \$496,594 was paid.

The additional amount for fiscal 1998 represents the amount necessary to bring the current budgeted amount for the calendar 1997 state land equalization payment up to the level requested by counties for calendar 1996 plus 5.16 percent (the average annual increase over 29 years). For fiscal 1999 (the calendar 1998 payment), the additional amount represents another 5.16 percent increase from the amended fiscal 1998 total amount.

Amendment #10 passed as follows:

Ayes: Anderson, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Feland, Grady, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Heavy Runner, Holland, Hurdle, J. Johnson, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Molnar, Mood, Pavlovich, Pease, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wells, Whitehead, Wyatt, Zook.
Total 74

Noes: Adams, Ahner, Arnott, Bankhead, Boharski, Ewer, Galvin, Gillan, H.S. Hanson, Hayne, Hibbard, R. Johnson, Jore, Kasten, Mills, Ohs, Orr, Peck, Prouse, Ream, Sands, Tuss, Wagner, Walters, Wiseman.
Total 25

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Excused: None.
Total 0

Absent or not voting: Mr. Speaker.
Total 1

Representative DeBruycker moved HB 2, second reading copy, be further amended as follows (amendment #11):

1. Page C-8, line 2.
Strike: "1,753,293" [general fund, fiscal 1999]
Insert: "1,710,259" [general fund, fiscal 1999]

2. Page C-8, line 4.
Strike: "0" [general fund, fiscal 1999]
Insert: "43,034" [general fund, fiscal 1999]

The LFD will amend totals.

Explanation: This amendment reduces the non-line item general fund for the Centralized Division in DNRC by \$43,034 and increases the line item for legislature audit fees in fiscal 1999 by a like amount.

Amendment #11 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 97

Noes: Feland, Gillan, Vick.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Representative Kitzenberg moved HB 2, second reading copy, be further amended as follows (amendment #12):

1. Page C-8, line 2.
Strike: "1,703,556 604,228 58,449 1,753,293 604,379 48,259"
Insert: "1,666,748 592,806 57,992 1,719,478 592,955 47,802"

2. Page E-6, line 25.

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Strike: "580,266"	[General Fund	Fiscal 1998]
Insert: "641,636"	[General Fund	Fiscal 1998]

Strike: "583,301"	[General Fund	Fiscal 1999]
Insert: "589,169"	[General Fund	Fiscal 1999]

Explanation: This amendment funds upgrading the computers for the Montana Historical Society. This was an Executive Budget recommendation. It provides \$67,238 general fund for the biennium.

This amendment also deletes a new FTE personnel officer position in the Centralized Services Division of DNRC. It provides a biennial general fund savings of \$67,623 and other funds savings of \$23,760.

Representative Vick moved the amendment be divided into two sections and voted on separately. Motion carried.

Amendment #12, section #1 passed as follows:

Ayes: Adams, Ahner, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Vick, Walters, Wells, Whitehead, Wyatt, Zook, Mr. Speaker.

Total 86

Noes: Anderson, Cobb, Curtiss, Heavy Runner, Knox, Kottel, McCann, Orr, Trexler, Tropila, Tuss, Wagner, Wiseman.

Total 13

Excused: None.

Total 0

Absent or not voting: Simpson.

Total 1

Amendment #12, section #2 passed as follows:

Ayes: Ahner, Barnett, Barnhart, Bergman, Carey, Clark, Cocchiarella, Curtiss, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Kottel, Krenzler, Masolo, McCulloch, McGee, Menahan, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Whitehead, Wyatt, Zook, Mr. Speaker.

Total 64

Noes: Adams, Anderson, Arnott, Bankhead, Beaudry, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Cobb, DeBruycker, Denny, Devaney, Holland, Jore, Kasten, Keenan, Knox, Lawson, Marshall, McCann, Mills, Molnar, Orr, Prouse, Rehbein, Simon, Smith, Tuss, Vick, Wagner, Walters, Wells, Wiseman.

Total 36

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Excused: None.
Total 0

Absent or not voting: None.
Total 0

Representative McGee moved HB 2, second reading copy, be further amended (amendment #13). Motion failed as follows: (36-62)

Representative Jore moved HB 2, second reading copy, be further amended as follows (amendment #14):

1. Page C-1, line 12.
Strike: "1,558,253 1,554,240"
Insert: "1,538,766 1,530,756"

LFD will adjust totals.

Explanation: This amendment removes funding for the .50 Land Agent FTE in the Field Services Division of Fish, Wildlife, and Parks.

Amendment #14 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grinde, H.S. Hanson, M. Hanson, Hayne, Holland, J. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Lawson, Masolo, McGee, Mills, Molnar, Mood, Orr, Prouse, Raney, Rehbein, Simon, Simpkins, Sliter, Smith, Soft, Story, Taylor, Trexler, Vick, Wagner, Walters, Wells, Mr. Speaker.
Total 54

Noes: Barnhart, Bohlinger, Carey, Cobb, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Grady, Grimes, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, R. Johnson, Kottel, Krenzler, Marshall, McCulloch, Menahan, Ohs, Pavlovich, Pease, Peck, Quilici, Ream, Rose, Ryan, Sands, Schmidt, Simpson, Squires, Stovall, Swanson, Tash, Tropila, Tuss, Whitehead, Wiseman, Wyatt, Zook.
Total 45

Excused: None.
Total 0

Absent or not voting: McCann.
Total 1

Representative Kitzenberg moved HB 2, second reading copy, be further amended (amendment #15). Motion failed as follows: (35-59)

Representative Grinde moved HB 2, second reading copy, be further amended as follows (amendment #16):

1. Page C-5, following line 10.
Insert: "The department shall use its general license account appropriation to ensure that all lands owned by or managed by the department and all state trust lands are posted using the posting requirements contained

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in 45-6-201(2), except that the department shall post these lands with blue paint."

Amendment #16 passed as follows:

Ayes: Adams, Anderson, Arnott, Bankhead, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ewer, Feland, Galvin, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Holland, R. Johnson, Jore, Kasten, Knox, Marshall, Menahan, Mills, Molnar, Ohs, Raney, Rehbein, Rose, Ryan, Simon, Simpkins, Sliter, Story, Stovall, Tash, Taylor, Tropila, Vick, Walters, Zook.
Total 51

Noes: Ahner, Barnett, Barnhart, Beaudry, Carey, Cocchiarella, Dowell, Ellingson, Ellis, Gillan, Grady, Hagener, Heavy Runner, Hibbard, Hurdle, J. Johnson, Keenan, Kitzenberg, Kottel, Krenzler, Lawson, Masolo, McCann, McCulloch, McGee, Mood, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Ream, Sands, Schmidt, Simpson, Smith, Soft, Squires, Swanson, Trexler, Tuss, Wagner, Wells, Whitehead, Wiseman, Wyatt.
Total 47

Excused: None.
Total 0

Absent or not voting: Bohlinger, Mr. Speaker.
Total 2

Representative McGee moved HB 2, second reading copy, be further amended (amendment #17). Motion failed as follows: (45-54)

Representative DeBruycker moved to close on Section C of HB 2. Motion carried. (82-17)

Representative Grinde moved the committee rise and report and report progress on HB 2. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Pavlovich moved that the Committee of the Whole report be adopted. Report adopted. (67-28)

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 8:00 a.m., Wednesday, March 19, 1997. Motion carried.

House adjourned at 5:18 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL
SIXTIETH LEGISLATIVE DAY**

Helena, Montana
March 19, 1997

House Chambers
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Tropila. Pledge of Allegiance to the Flag.

Roll call. All members present except Representative McGee, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the fifty-third through fifty-sixth legislative days, find the same to be correct.

Hayne, Chairman

BILLS (Hayne, Chairman):

3/19/97

Correctly printed for second reading: SJR 8.

Correctly enrolled: HB 110, HB 243, HB 357, HB 381, HB 382, HB 396, HB 402, HB 411, HB 439, HB 470, HB 486, HB 501, HB 506, HB 507, HB 550, HB 201, HB 197, HB 256, HB 348, HB 46, HB 283.

Examined by the sponsor and found to be correct: HB 46, HB 110, HB 283, HB 197, HB 201, HB 243, HB 256, HB 348, HB 357, HB 381, HB 382, HB 396, HB 402, HB 411, HB 439, HB 470, HB 486, HB 501, HB 506, HB 507, HB 550.

Delivered to the Governor for his approval at 5:30 p.m., March 19, 1997: HB 257, HB 314, HB 330.

MESSAGES FROM THE SENATE

House bills concurred in and returned to the House:

3/18/97

HB 243, introduced by Denny

HB 396, introduced by Grimes

HB 439, introduced by Schmidt

HB 550, introduced by Cocchiarella

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 3/18/97

HB 31, introduced by Heavy Runner

HB 149, introduced by R. Johnson

HB 266, introduced by Cocchiarella

HB 344, introduced by Peck

HB 401, introduced by Barnett

The Senate, on 3/17/97, acceded to the request of the House and appointed a conference committee to meet with a like committee from the House to confer on SB 256.

President Aklestad appointed the following members:

Senator Hargrove, Chairman

Senator Doherty

Senator Estrada

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MESSAGES FROM THE GOVERNOR

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 17, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 11 sponsored by Representative Zook on March 17, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 17, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 22 sponsored by Representative Kottel on March 17, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 17, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 92 sponsored by Representative Tash on March 17, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 17, 1997

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Dear Representative Mercer:

Please be informed that I have signed House Bill 97 sponsored by Representative Devaney on March 17, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 17, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 105 sponsored by Representative Barnett et al. on March 17, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 17, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 115 sponsored by Representative Grimes et al. on March 17, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 17, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 148 sponsored by Representative Harrington on March 17, 1997.

Sincerely,

MARC RACICOT

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Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 17, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 200 sponsored by Representative Ahner et al. on March 17, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 17, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 215 sponsored by Representative Orr et al. on March 17, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 17, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 239 sponsored by Representative Tropila et al. on March 17, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 17, 1997

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Dear Representative Mercer:

Please be informed that I have signed House Bill 274 sponsored by Representative Vick et al. on March 17, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 17, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 289 sponsored by Representative Pavlovich et al. on March 17, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 17, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 290 sponsored by Representative Harper et al. on March 17, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 17, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 292 sponsored by Representative Grady et al. on March 17, 1997.

Sincerely,

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MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 17, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 321 sponsored by Representative McCulloch et al. on March 17, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 17, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 358 sponsored by Representative Keenan on March 17, 1997.

Sincerely,

MARC RACICOT
Governor

**FIRST READING AND COMMITMENT
OF BILLS AND RESOLUTIONS**

The following House bill was introduced, read first time, and referred to committee:

HB 611, introduced by Harper, referred to Committee on Taxation.

Representative Grinde moved the House recess until 9:00 a.m. Motion carried.

House recessed at 8:06 a.m.

House reconvened at 9:18 a.m. Mr. Speaker in the Chair.

Roll call. All members present. Quorum present.

Mr. Speaker welcomed the Legislative Fiscal Division into the House Chambers along with Clayton Schenck,

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Director, who introduced his staff.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Wagner in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Representative Feland made the opening remarks on Section D - Institutions and Public Safety.

Representative Menahan moved HB 2, second reading copy, be further amended (amendment #1). Motion failed as follows: (33-63)

Representative Menahan moved HB 2, second reading copy, be further amended (amendment #2). Motion failed as follows: (29-68)

Representative Cocchiarella moved HB 2, second reading copy, be further amended (amendment #3).

Representative Cocchiarella withdrew Amendment #3.

Representative Tropila moved HB 2, second reading copy, be further amended (amendment #4). Motion failed as follows: (41-57)

Representative Tropila moved HB 2, second reading copy, be further amended (amendment #5). Motion failed as follows: (43-56)

Representative Tropila moved HB 2, second reading copy, be further amended (amendment #6). Motion failed as follows: (37-60)

Representative Tropila moved HB 2, second reading copy, be further amended (amendment #7). Motion failed as follows: (43-56)

Representative Cocchiarella moved HB 2, second reading copy, be further amended (amendment #8).

Representative Cocchiarella withdrew Amendment #8.

Representative Cobb moved HB 2, second reading copy, be further amended (amendment #9). Motion failed as follows: (40-58)

Representative Cobb moved HB 2, second reading copy, be further amended (amendment #10). Motion failed as follows: (43-55)

Representative Kitzenberg moved HB 2, second reading copy, be further amended (amendment #11). Motion failed as follows: (43-54)

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Representative Smith moved HB 2, second reading copy, be further amended (amendment #12). Motion failed as follows: (17-81)

Representative Smith moved HB 2, second reading copy, be further amended (amendment #13).

Representative Orr assumed the Chair at this time.

Motion to pass amendment #13 failed as follows: (30-67)

Representative Smith moved HB 2, second reading copy, be further amended (amendment #14). Motion failed as follows: (24-74)

Representative DeBruycker moved HB 2, second reading copy, be further amended as follows (amendment #15):

1. Page D-4, line 25.

Strike: "35,371,968	38,685,826"
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Insert: "35,241,298	38,555,156"
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2. Page E-1, line 10.

Strike: "1,505,000	2,795,000"
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Insert: "1,635,670	2,925,670"
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Explanation: This amendment reduces the inmate cost per day by \$.25 which is a general fund reduction at MSP of \$130,670 per fiscal year.

This reduction is calculated using an average daily population at MSP at Montana State Prison of 1432. These funds are then used to increase the appropriation from the technology acquisition fund in the Office of Public Instruction.

Representative Bergsagel moved the amendment be divided into two sections and voted on separately. Motion carried.

Amendment #15, section #1 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Brainard, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellis, Galvin, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, Mills, Molnar, Ohs, Pease, Peck, Prouse, Quilici, Rehbein, Rose, Ryan, Simpkins, Simpson, Sliter, Soft, Story, Taylor, Trexler, Tropila, Walters, Wells, Whitehead, Mr. Speaker.

Total 63

Noes: Barnett, Barnhart, Bookout, Carey, Dowell, Ellingson, Ewer, Feland, Gillan, Grimes, Harper, Harrington, Hurdle, R. Johnson, Kottel, McCulloch, Menahan, Mood, Orr, Pavlovich, Ream, Sands, Schmidt, Simon, Smith, Squires, Stovall, Swanson, Tuss, Vick, Wiseman, Wyatt, Zook.

Total 33

Excused: McGee.

Total 1

Absent or not voting: Raney, Tash, Wagner.

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Total 3

Amendment #15, section #2 passed as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grinde, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wyatt, Zook, Mr. Speaker.

Total 80

Noes: Adams, Arnott, Bergsagel, Boharski, Cobb, Feland, Grimes, H.S. Hanson, R. Johnson, Jore, Menahan, Orr, Prouse, Rehbein, Sliter, Smith, Vick, Wagner, Wiseman.

Total 19

Excused: McGee.

Total 1

Absent or not voting: None.

Total 0

Representative Molnar moved HB 2, second reading copy, be further amended as follows (amendment #16):

1. Page D-2, following line 4

Insert: "The board of crime control shall annually publish and distribute to the legislature figures showing, for each county, the percentage of the total county population of juveniles engaged in all types of offenses, including but not limited to serious juvenile crime and drug crime in the current year and in each of the previous 4 years. The board of crime control shall standardize the reporting process for the county reports."

Amendment #16 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: DeBruycker, Hagener, R. Johnson.

Total 3

Excused: McGee.

Total 1

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Absent or not voting: Grady.
Total 1

Representative Tuss moved HB 2, second reading copy, be further amended (amendment #17). Motion failed as follows: (49-49)

Representative Tuss moved HB 2, second reading copy, be further amended (amendment #18).

Representative Tuss moved consideration of Amendment #18 be placed at the bottom of the board. Motion carried.

Representative Wagner resumed the Chair at this time.

Representative Bohlinger moved HB 2, second reading copy, be further amended (amendment #19).

Representative Sliter moved the amendment be divided into two sections and voted on separately. Motion carried.

Amendment #19, section #1 failed as follows: (32-66)

Amendment #19, section #2 failed as follows: (34-65)

Representative Barnhart moved HB 2, second reading copy, be further amended (amendment #20). Motion failed as follows: (45-52)

Representative Vick moved HB 2, second reading copy, be further amended (amendment #21). Motion failed as follows: (30-68)

Representative Molnar moved HB 2, second reading copy, be further amended as follows (amendment #22):

1. Page D-5, line 22.

Strike: "744,679"	[Fiscal 1998	State Special Revenue]
Insert: "609,241"	[Fiscal 1998	State Special Revenue]
Strike: "733,929"	[Fiscal 1999	State Special Revenue]
Insert: "600,509"	[Fiscal 1999	State Special Revenue]

2. Page D-6, line 1.

Strike: "4,049,304"	[Fiscal 1998	State Special Revenue]
Insert: "3,833,701"	[Fiscal 1998	State Special Revenue]
Strike: "4,053,245"	[Fiscal 1999	State Special Revenue]
Insert: "3,836,270"	[Fiscal 1999	State Special Revenue]

LFD will adjust totals.

Explanation: This amendment eliminates the funding and FTE for the contractor registration program in the Employment Relations Division and the Legal/Centralized Services Division of the Department of Labor and Industry for fiscal year 1998 and fiscal year 1999. The total funding reduction equals \$351,041 for fiscal year 1998 and \$350,395 for fiscal year 1999. The funding reduction is of state special revenues generated from contractor registration fees. The total FTE reduction equals 10.5 (of which 3.0 FTE are in the Legal/Centralized Services Division and 7.5 FTE are in the Employment Relations Division) for fiscal year 1998 and for fiscal year 1999.

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Amendment #22 passed as follows:

Ayes: Adams, Ahner, Arnott, Bankhead, Barnett, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Feland, Grady, M. Hanson, Hayne, Holland, Hurdle, Jore, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, Mills, Molnar, Ohs, Orr, Prouse, Rehbein, Rose, Simpkins, Simpson, Sliter, Smith, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 55

Noes: Anderson, Barnhart, Carey, Cocchiarella, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Heavy Runner, Hibbard, J. Johnson, R. Johnson, Kottel, Krenzler, McCann, McCulloch, Menahan, Mood, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simon, Soft, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.

Total 43

Excused: McGee.

Total 1

Absent or not voting: Beaudry.

Total 1

Representative Cocchiarella moved HB 2, second reading copy, be further amended as follows (amendment #23):

1. Page D-5, line 10.

Strike: "325,964	326,381"	[General Fund]
Insert: "357,529	357,946"	[General Fund]

Explanation: This amendment adds back an executive base proposal to the Job Service Division. Subcommittee action reduced base general fund funding by \$100,000 each year and this amendment adds a portion of that funding back as follows: Jobs for Montana's Graduates -- \$31,565.

Amendment #23 passed as follows:

Ayes: Bankhead, Barnett, Barnhart, Bookout, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Hagener, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simpkins, Simpson, Smith, Soft, Squires, Story, Swanson, Taylor, Trexler, Tropila, Tuss, Wagner, Whitehead, Wyatt.

Total 63

Noes: Adams, Anderson, Arnott, Bergman, Bergsagel, Boharski, Brainard, Cobb, Devaney, Feland, Grinde, H.S. Hanson, Hayne, R. Johnson, Jore, Kasten, Keenan, Molnar, Mood, Orr, Prouse, Rehbein, Simon, Sliter, Stovall, Tash, Vick, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 32

Excused: McGee.

Total 1

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Absent or not voting: Ahner, Beaudry, Bitney, Bohlinger.
Total 4

Representative Sliter assumed the Chair at this time.

Representative J. Johnson moved HB 2, second reading copy, be further amended as follows (amendment #24):

1. Page D-8, following line 22.

Insert: "b. Eastern Montana Veterans' Cemetery (Restricted)
36,796" [FY 1999 State Special]

Explanation: This amendment provides operating funds for the Eastern Montana Veterans Cemetery. HB 18 is on the Governor's desk for signing. Funds will be necessary for the last six months of FY 99 to prepare for cemetery operations beginning July 1, 1999. Since the cemetery will become operational then, the division has to ensure they are ready for burials immediately. The funding is for one Cemetery Sexton for six months and funds for supplies and equipment. The total requested is \$36,796 from state special revenue.

Amendment #24 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 88

Noes: Denny, Jore, Mills.
Total 3

Excused: McGee.
Total 1

Absent or not voting: Bergman, Bergsagel, Hibbard, Orr, Prouse, Raney, Simpkins, Wagner.
Total 8

Representative Kitzenberg moved HB 2, second reading copy, be further amended (amendment #25). Motion failed as follows: (36-61)

Representative Ohs moved HB 2, second reading copy, be further amended (amendment #26).

Representative Vick moved the amendment be divided into two sections and voted on separately. Motion carried.

Representative Ohs moved consideration of Amendment #26 be placed at the bottom of the board. Motion carried.

Representative Cocchiarella moved HB 2, second reading copy, be further amended (amendment #27). Motion failed as follows: (32-61)

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Representative Carey moved HB 2, second reading copy, be further amended (amendment #28). Motion failed as follows: (37-60)

Representative Tuss moved HB 2, second reading copy, be further amended (amendment #18). Motion failed as follows: (40-54)

Representative Ohs withdrew Amendment #26.

Representative Feland moved to close on Section D of HB 2. Motion carried. (63-33)

Representative R. Johnson made the opening remarks on Section E - Education.

Representative Boharski moved HB 2, second reading copy, be further amended as follows (amendment #1):

1. Page E-1, line 4

Strike: "3,761,288 [general fund] 3,763,192" [general fund]

Insert: "3,659,288 [general fund] 3,661,192" [general fund]

2. Page E-1, following line 6.

Insert: "b. Montana Educational Telecommunications Network 1-800 Telephone Lines (Restricted/OTO)
102,000 102,000" [general fund]

LFD will adjust totals.

Explanation: This amendment line items the METNET telephone 1-800 line costs and restricts and designates the appropriation as one-time-only.

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Ellis, Feland, Grimes, Hagener, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Keenan, Lawson, Marshall, McCann, Mills, Molnar, Mood, Ohs, Orr, Pease, Peck, Prouse, Rehbein, Rose, Simpkins, Sliter, Soft, Story, Stovall, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 59

Noes: Adams, Bankhead, Barnhart, Bookout, Carey, Cocchiarella, Dowell, Ewer, Galvin, Gillan, Grady, Grinde, Harper, Harrington, Hurdle, Kitzenberg, Knox, Kottel, Krenzler, Masolo, McCulloch, Menahan, Pavlovich, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Smith, Squires, Swanson, Tropila, Tuss, Whitehead.
Total 36

Excused: McGee.
Total 1

Absent or not voting: Bohlinger, Kasten, Simon, Tash.
Total 4

Representative Cocchiarella moved HB 2, second reading copy, be further amended (amendment #2).

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Representative Cocchiarella temporarily withdrew Amendment #2.

Representative Keenan moved HB 2, second reading copy, be further amended as follows (amendment #3):

1. Page E-4, following line 11.

Insert: "It is the intent of the legislature that at least 75% of all funds provided for the Montana arts council from [this act] be disbursed as grants. The administration of grants is not to be included in this percentage.

Amendment #3 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Brainard, Clark, Cobb, Curtiss, DeBruycker, Devaney, Ellingson, Ellis, Gillan, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Marshall, Masolo, Menahan, Mills, Molnar, Mood, Orr, Pease, Peck, Prouse, Quilici, Raney, Rehbein, Simpkins, Sliter, Soft, Story, Stovall, Taylor, Trexler, Vick, Walters, Wells, Wyatt, Mr. Speaker.

Total 64

Noes: Bookout, Carey, Cocchiarella, Dowell, Ewer, Feland, Galvin, Grady, Hagener, Harrington, Lawson, McCulloch, Ohs, Ream, Sands, Schmidt, Simon, Smith, Swanson, Tuss, Wagner, Whitehead, Wiseman, Zook.

Total 24

Excused: McGee.

Total 1

Absent or not voting: Bohlinger, Denny, Jore, McCann, Pavlovich, Rose, Ryan, Simpson, Squires, Tash, Tropila.

Total 11

Representative Menahan moved HB 2, second reading copy, be further amended (amendment #4).

Representative Menahan withdrew Amendment #4.

Representative Hagener moved HB 2, second reading copy, be further amended (amendment #5). Motion failed as follows: (43-51)

Representative Kitzenberg moved HB 2, second reading copy, be further amended (amendment #6).

Representative Kitzenberg temporarily withdrew Amendment #6.

Representative Cocchiarella moved HB 2, second reading copy, be further amended (amendment #2).

Representative Cocchiarella withdrew Amendment #2.

Representative Kitzenberg moved HB 2, second reading copy, be further amended (amendment #6).

Representative Prouse moved the amendment be divided into two sections and voted on separately, with section #1 being voted on first. Motion carried.

Representative Kitzenberg made a substitute motion to vote on section #2 first.

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Representative Kitzenberg withdrew the substitute motion before a vote was taken.

Amendment #6, section #1 failed as follows: (30-63)

Amendment #6, section #2 failed as follows: (34-62)

Representative Kottel moved HB 2, second reading copy, be further amended (amendment #7). Motion failed as follows: (34-60)

Representative Swanson moved HB 2, second reading copy, be further amended (amendment #8). Motion failed as follows: (36-59)

Representative Cocchiarella moved HB 2, second reading copy, be further amended (amendment #9). Motion failed as follows: (41-55)

Representative Ellingson moved HB 2, second reading copy, be further amended (amendment #10). Motion failed as follows: (34-63)

Representative Ellingson moved HB 2, second reading copy, be further amended (amendment #11). Motion failed as follows: (31-66)

Representative Tuss moved HB 2, second reading copy, be further amended (amendment #12). Motion failed as follows: (31-66)

Representative Grinde moved HB 2, second reading copy, be further amended as follows (amendment #13):

1. Page E-1, following line 6.

Insert: "b. Industrial Education Support Staff (Restricted)

25,641 22,642" [General Fund]

2. Page E-7, line 23.

Strike: "90,998,186" [General Fund Fiscal 1999]

Insert: "90,975,544" [General Fund Fiscal 1999]

Explanation: The purpose of this amendment is to provide a 0.50 FTE support staff, grade 12, to the vocational/technology, trades and industrial education specialist. The amendment also adds funds for operating expenses and a computer. The biennial general fund cost is \$48,283. Cuts enabling this action include: \$25,912 from the Interagency Coordinating Council for Prevention Programs, which was reduced in an amendment in Section B, and \$22,371 from the operating budget of the University System.

Representative Cocchiarella moved the amendment be divided and voted on separately. Motion carried.

Amendment #13, section #2 passed as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Boharski, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Feland, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Hibbard, Holland, Jore, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McCann, Mills, Molnar, Mood, Ohs, Orr, Prouse, Raney, Rehbein, Rose, Ryan, Simon, Simpkins, Simpson, Sliter, Smith, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman,

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Zook, Mr. Speaker.
Total 65

Noes: Arnott, Barnhart, Bitney, Carey, Cocchiarella, Ellingson, Ewer, Gillan, Grady, Hagener, Harrington, Hurdle, J. Johnson, R. Johnson, Kottel, Krenzler, McCulloch, Menahan, Pavlovich, Pease, Peck, Quilici, Ream, Sands, Schmidt, Soft, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.
Total 32

Excused: McGee.
Total 1

Absent or not voting: Bohlinger, Galvin.
Total 2

Amendment #13, section #1 passed as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bitney, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Hibbard, Holland, R. Johnson, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, Mills, Molnar, Mood, Ohs, Orr, Prouse, Quilici, Raney, Rehbein, Rose, Ryan, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Zook, Mr. Speaker.
Total 65

Noes: Arnott, Barnhart, Bergsagel, Boharski, Carey, Cocchiarella, Dowell, Ellingson, Ewer, Gillan, Hagener, Harrington, J. Johnson, Jore, Kasten, Kottel, McCulloch, Menahan, Pavlovich, Pease, Peck, Ream, Sands, Schmidt, Squires, Swanson, Tropila, Tuss, Whitehead, Wiseman, Wyatt.
Total 31

Excused: McGee.
Total 1

Absent or not voting: Bohlinger, Galvin, Hurdle.
Total 3

Representative Prouse moved HB 2, second reading copy, be further amended (amendment #14). Motion failed as follows: (20-76)

Representative Ahner moved HB 2, second reading copy, be further amended (amendment #15). Motion failed as follows: (24-73)

Representative Dowell moved HB 2, second reading copy, be further amended (amendment #16).

Representative Dowell withdrew Amendment #16.

Representative Cobb moved to reopen Section B for the purpose of an amendment. Motion failed. (38-57)

Representative Cobb moved to reopen Section B for the purpose of a second amendment. Motion failed. (38-59)

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Representative R. Johnson moved to close on Section E of HB 2. Motion carried. (71-27)

Chairman Sliter stated amendments to the Boiler Plate Language would be considered next.

Representative Arnott moved HB 2, second reading copy, be further amended as follows (amendment #1):

1. Page BP-2, following line 10.

Insert: "NEW SECTION. Section 10. Reduced dues. It is the intent of the legislature to encourage state agencies to reduce dues paid to professional organizations by 10% each biennium. The budget director shall report semiannually in August and February to the legislative finance committee as to the efforts of the agencies to meet the intent of the legislature."

Renumber: subsequent sections

Amendment #1 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grinde, H.S. Hanson, M. Hanson, Hayne, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, Mills, Molnar, Mood, Ohs, Orr, Peck, Prouse, Raney, Rehbein, Rose, Ryan, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 71

Noes: Carey, Cocchiarella, Ellingson, Ewer, Galvin, Gillan, Grimes, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kottel, McCulloch, Menahan, Pavlovich, Pease, Quilici, Ream, Sands, Schmidt, Swanson, Whitehead.

Total 24

Excused: McGee.

Total 1

Absent or not voting: Bohlinger, Dowell, Hibbard, Squires.

Total 4

Representative Arnott moved HB 2, second reading copy, be further amended as follows (amendment #2):

1. Page BP-2, following line 10.

Insert: "NEW SECTION. Section 9. Expanding technologies to reduce travel expenditures. It is the intent of the legislature to encourage state agencies to use expanding technologies to interface with out-of-state agencies and other entities in an attempt to reduce travel expenditures by 10% each biennium. The budget director shall report semiannually in August and February to the legislative finance committee as to the efforts of the agencies to meet the intent of the legislature."

Renumber: subsequent sections

Amendment #2 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grinde, H.S. Hanson, M. Hanson, Harper, Hayne, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Krenzler, Lawson, Marshall, Masolo,

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McCann, Mills, Molnar, Mood, Ohs, Orr, Peck, Prouse, Raney, Rehbein, Rose, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.
Total 65

Noes: Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Grady, Grimes, Hagener, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kitzenberg, Kottel, McCulloch, Menahan, Pavlovich, Pease, Quilici, Ream, Ryan, Sands, Schmidt, Simon, Squires, Swanson, Tuss, Whitehead, Wyatt.
Total 32

Excused: McGee.
Total 1

Absent or not voting: Barnhart, Bohlinger.
Total 2

Motion that HB 2 do pass, as amended, carried as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Kasten, Keenan, Knox, Lawson, Marshall, Masolo, McGee, Mills, Mood, Ohs, Rehbein, Rose, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Walters, Wiseman, Zook, Mr. Speaker.
Total 54

Noes: Arnott, Barnhart, Boharski, Carey, Cobb, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Jore, Kitzenberg, Kottel, Krenzler, McCann, McCulloch, Menahan, Molnar, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Squires, Swanson, Tropila, Tuss, Vick, Wagner, Wells, Whitehead, Wyatt.
Total 45

Voted Absentee: McGee, Aye.

Excused: None.
Total 0

Absent or not voting: Grady.
Total 1

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Wagner moved that the Committee of the Whole report be adopted. Report adopted. (60-37)

MOTIONS

HB 2 - Representative Bookout-Reinicke moved she be allowed to change her vote on HB 2 - Section D, Amendment 20, second reading, from nay to aye. Motion carried.

HOUSE JOURNAL
SIXTIETH LEGISLATIVE DAY - MARCH 19, 1997

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Thursday, March 20, 1997. Motion carried.

House adjourned at 7:26 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL
SIXTY-FIRST LEGISLATIVE DAY**

Helena, Montana
March 20, 1997

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Walters. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives Ahner, Orr, Taylor, Vick, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the fifty-seventh and fifty-eighth legislative days, find the same to be correct.

Hayne, Chairman

REPORTS OF STANDING COMMITTEES

NATURAL RESOURCES (Knox, Chairman):

3/19/97

SB 332, be amended as follows:

1. Page 4, line 17.

Following: "public."

Insert: "The licensee may elect to provide cash, negotiable bonds, or negotiable certificates of deposit of any bank organized or transacting business in the United States. The cash deposit or market value of the securities must be equal to or greater than the amount of the bond required for the bonded activities."

And, as amended, be concurred in. Report adopted.

STATE ADMINISTRATION (Denny, Chairman):

3/20/97

SB 271, be concurred in. Report adopted.

SB 311, be concurred in. Report adopted.

SB 344, be amended as follows:

1. Page 1, line 26.

Strike: "AND"

2. Page 1, line 27.

Strike: " "

Insert: " ; "

3. Page 1.

Following: line 29

Insert: "(h) gender;

(i) legislative house district; and

(j) date of registration."

4. Page 2, line 10.

Strike: "or"

HOUSE JOURNAL
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Insert: "and"

5. Page 2, lines 11 through 13.

Strike: ":" on line 11 and "(i)" on line 12

Insert: ", "

Strike: "; or" on line 12 through "election" on line 13

6. Page 4, line 6.

Strike: "SUBSECTIONS"

Insert: "subsection"

7. Page 4, lines 8 and 9.

Strike: "(H)" on line 8 through "(I)" on line 9

Insert: "(k)"

And, as amended, be concurred in. Report adopted.

SB 361, be concurred in. Report adopted.

SJR 10, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

House bill concurred in as amended and returned to the House for concurrence in Senate amendments: 3/19/97

HB 111, introduced by Ahner

House bill concurred in and returned to the House: 3/19/97

HB 384, introduced by Ellis

House joint resolution concurred in and returned to the House: 3/19/97

HJR 18, introduced by DeBruycker

MESSAGES FROM THE GOVERNOR

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 19, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 8 sponsored by Representative Bergsagel on March 19, 1997.

Sincerely,

HOUSE JOURNAL
SIXTY-FIRST LEGISLATIVE DAY - MARCH 20, 1997

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 19, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 12 sponsored by Representative Quilici et al. on March 19, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 19, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 40 sponsored by Representative Cobb on March 19, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 19, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 60 sponsored by Representative Rose on March 19, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 19, 1997

HOUSE JOURNAL
SIXTY-FIRST LEGISLATIVE DAY - MARCH 20, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 64 sponsored by Representative Ewer on March 19, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 19, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 98 sponsored by Representative Clark on March 19, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 19, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 108 sponsored by Representative Swanson on March 19, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 19, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 143 sponsored by Representative Barnett on March 19, 1997.

Sincerely,

MARC RACICOT

HOUSE JOURNAL
SIXTY-FIRST LEGISLATIVE DAY - MARCH 20, 1997

Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 19, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 162 sponsored by Representative Denny on March 19, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 19, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 182 sponsored by Representative Masolo et al. on March 19, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 19, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 206 sponsored by Representative McCann et al. on March 19, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 19, 1997

HOUSE JOURNAL
SIXTY-FIRST LEGISLATIVE DAY - MARCH 20, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 211 sponsored by Representative Rose et al. on March 19, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 19, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 227 sponsored by Representative Kottel on March 19, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 19, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 288 sponsored by Representative Ohs et al. on March 19, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 19, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 350 sponsored by Representative Beaudry et al. on March 19, 1997.

Sincerely,

HOUSE JOURNAL
SIXTY-FIRST LEGISLATIVE DAY - MARCH 20, 1997

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 19, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 359 sponsored by Representative Kasten et al. on March 19, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 19, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 367 sponsored by Representative Beaudry et al. on March 19, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 19, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 370 sponsored by Representative Tuss et al. on March 19, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol

March 19, 1997

HOUSE JOURNAL
SIXTY-FIRST LEGISLATIVE DAY - MARCH 20, 1997

Helena, Montana 59620

Dear Representative Mercer:

Please be informed that I have signed House Bill 392 sponsored by Representative Bitney et al. on March 19, 1997.

Sincerely,

MARC RACICOT
Governor

**FIRST READING AND COMMITMENT
OF BILLS AND RESOLUTIONS**

The following House bill was introduced, read first time, and referred to committee:

HB 612, introduced by Hibbard, Story, Ream, (by request of the House Taxation Committee) referred to Committee on Taxation.

Representative Wyatt excused at this time.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 249 passed as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McGee, Mills, Molnar, Mood, Ohs, Pavlovich, Quilici, Rehbein, Rose, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Walters, Wells, Wiseman, Zook, Mr. Speaker.
Total 61

Noes: Adams, Arnott, Barnhart, Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Jore, Kottel, Krenzler, McCann, McCulloch, Menahan, Orr, Pease, Peck, Prouse, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Wagner, Whitehead, Wyatt.
Total 39

Voted Absentee: Ahner, Taylor, Vick, Ayes; Orr, Wyatt, Noes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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SB 54 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 98

Noes: DeBruycker, Wyatt.

Total 2

Voted Absentee: Ahner, Orr, Taylor, Vick, Ayes; Wyatt, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 2 passed as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Hibbard, Holland, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Marshall, Masolo, McCann, McGee, Mills, Mood, Ohs, Quilici, Rehbein, Rose, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Walters, Wiseman, Zook, Mr. Speaker.

Total 58

Noes: Adams, Arnott, Boharski, Carey, Cobb, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Hurdle, J. Johnson, Jore, Kottel, Krenzler, Lawson, McCulloch, Menahan, Molnar, Orr, Pavlovich, Pease, Peck, Prouse, Raney, Ream, Ryan, Sands, Schmidt, Squires, Swanson, Tropila, Tuss, Vick, Wagner, Wells, Whitehead, Wyatt.

Total 42

Voted Absentee: Ahner, Taylor, Ayes; Orr, Vick, Wyatt, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Menahan excused at this time.

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SIXTY-FIRST LEGISLATIVE DAY - MARCH 20, 1997

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Story in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 47 - Representative Ellis moved HB 47 do pass.

Representative Mercer moved HB 47, second reading copy, be amended as follows (amendment #1):

1. Title, line 7.

Following: "1"

Insert: "PROVIDING AID TO SCHOOLS FOR TECHNOLOGY ACQUISITION, TEXTBOOKS, LIBRARY MATERIALS, AND BUILDING MAINTENANCE; PROVIDING APPROPRIATIONS;"

2. Page 5, line 6.

Insert: "NEW SECTION. Section 3. Aid for technology acquisition, textbooks, library materials, and building maintenance. (1) The superintendent of public instruction shall allocate the amount appropriated for technology acquisition, textbooks, library materials, and building maintenance to each district based on the ANB of the district.

(2) In order to receive an allocation of funds, the district trustees shall certify in writing to the superintendent of public instruction that an equal amount of district general fund will be expended for the purposes listed in subsection (1).

(3) The district may deposit the funds received under this section in the miscellaneous programs fund authorized in 20-9-507 or the technology acquisition fund authorized in 20-9-533. Any portion of the funds deposited in the miscellaneous programs fund must be restricted for textbooks, library materials, and building maintenance. Any portion of the funds deposited in the technology acquisition fund must be used consistent with the requirements of 20-9-533."

Renumber: subsequent sections

3. Page 5, line 7.

Strike: "APPROPRIATION"

Insert: "Appropriations"

Following: "."

Insert: "(1)"

4. Page 5, line 8.

Strike: "\$13,929,000"

Insert: "\$29,143,000"

5. Page 5, line 10.

Insert: "(2) There is appropriated to the office of public instruction from the general fund \$12,500,000 for the fiscal year ending June 30, 1998, for aid to school districts for technology acquisition, textbooks, library materials, and building maintenance.

(3) There is appropriated to the office of public instruction from the general fund \$2,500,000 for the fiscal

HOUSE JOURNAL
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year ending June 30, 1998, and \$3,000,000 for the fiscal year ending June 30, 1999, to pay for state advances and reimbursements for school facilities in accordance with 20-9-371."

6. Page 5, line 17.

Following: "I"

Strike: "SECTION"

Insert: "Sections"

Following: "1"

Insert: "and 3(2)"

Strike: "TERMINATES"

Insert: "terminate"

Explanation: This amendment increases the general fund expenditures to schools in HB 47 by \$33,200,000, and if adopted would make the total general fund expenditure to schools in HB 47 \$47,100,000.

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Adams, Cobb, Jore.

Total 3

Voted Absentee: Ahner, Menahan, Taylor, Wyatt, Ayes.

Excused: Orr, Vick.

Total 2

Absent or not voting: None.

Total 0

Representative Mercer moved HB 47, second reading copy, be further amended as follows (amendment #2):

1. House Committee of the Whole Amendment #2 (Representative Mercer) is amended as follows:

Strike: "ANB"

Insert: "per-ANB"

Amendment #2 passed as follows:

Ayes: Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard,

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Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 88

Noes: Adams, Boharski, Brainard, Dowell, Jore.

Total 5

Excused: Ahner, Menahan, Orr, Taylor, Vick, Wyatt.

Total 6

Absent or not voting: Bookout.

Total 1

Representative Peck moved HB 47, second reading copy, be further amended as follows (amendment #3):

1. House Committee of the Whole amendment #2 (Representative Mercer) in subsection (2) is amended as follows:
Following: "general fund"

Insert: "or district building reserve fund"

Amendment #3 passed as follows:

Ayes: Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 90

Noes: Adams, Jore, Prouse.

Total 3

Excused: Ahner, Menahan, Orr, Taylor, Vick, Wyatt.

Total 6

Absent or not voting: Molnar.

Total 1

Representative Ellis moved HB 47, second reading copy, be further amended (amendment #4). Motion failed as follows: (45-55)

Representative Harrington moved HB 47, second reading copy, be further amended (amendment #5).

Representative Harrington withdrew Amendment #5.

HOUSE JOURNAL
SIXTY-FIRST LEGISLATIVE DAY - MARCH 20, 1997

Motion that HB 47 do pass, as amended, carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Adams, Boharski, Cobb, Jore, Kasten, Orr, Rehbein, Vick.

Total 8

Voted Absentee: Ahner, Menahan, Taylor, Wyatt, Ayes; Orr, Vick, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 580 - Representative McCann moved HB 580 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Feland, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: Carey, Cocchiarella, Ellingson, Ewer, Galvin, Grimes, Harrington, Ryan, Sands, Squires, Tropila.

Total 11

Voted Absentee: Ahner, Menahan, Orr, Taylor, Vick, Wyatt, Ayes.

Excused: None.

Total 0

Absent or not voting: R. Johnson.

Total 1

HB 578 - Representative R. Johnson moved HB 578 do pass.

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Representative McCann moved HB 578, second reading copy, be amended (amendment #1).

Representative McCann moved the amendment be divided into two sections and voted on separately. Motion carried.

Amendment #1, section #2 failed as follows: (31-63)

Amendment #1, sections #1,3,4 failed as follows: (37-57)

Representative Brainard moved for cloture. Motion carried.

Motion to pass HB 578 carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, DeBruycker, Denny, Devaney, Ellingson, Ellis, Ewer, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Keenan, Knox, Marshall, Masolo, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Ream, Rehbein, Rose, Ryan, Sands, Simon, Simpkins, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 68

Noes: Adams, Barnhart, Cocchiarella, Curtiss, Dowell, Galvin, Gillan, Hagener, Harrington, Hayne, Heavy Runner, Hurdle, Jore, Kitzenberg, Kottel, Krenzler, Lawson, McCann, McCulloch, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Schmidt, Simpson, Tropila, Tuss, Wagner, Whitehead, Wyatt.

Total 32

Voted Absentee: Ahner, Menahan, Orr, Taylor, Vick, Ayes; Wyatt, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Story moved that the Committee of the Whole report be adopted. Report adopted. (78-9)

MOTIONS

HB 47 - Representative Feland moved he be allowed to change his vote on HB 47, second reading, from nay to aye. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Friday, March 21, 1997. Motion carried.

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House adjourned at 3:42 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL
SIXTY-SECOND LEGISLATIVE DAY**

Helena, Montana
March 21, 1997

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Carey. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives Ahner, Orr excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the fifty-ninth and sixtieth legislative days, find the same to be correct.

Hayne, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman):

3/21/97

Correctly printed for second reading: SB 332, SB 344, SB 271, SB 311, SB 361, SJR 10.

Correctly engrossed for third reading: HB 47, HB 2, HB 580, HB 578.

Correctly enrolled: HB 384, HJR 18.

Signed by the Speaker at 11:40 a.m., March 21, 1997: HB 396, HB 411, HB 550, HB 507, HB 506, HB 501, HB 283, HB 110, HB 243, HB 46, HB 381, HB 402, HB 382, HB 357, HB 348, HB 256, HB 486, HB 470, HB 197, HB 201, HB 439.

Delivered to the Governor for his approval at 3:00 p.m., March 21, 1997: HB 396, HB 411, HB 550, HB 507, HB 506, HB 501, HB 283, HB 110, HB 243, HB 46, HB 381, HB 402, HB 382, HB 357, HB 348, HB 256, HB 486, HB 470, HB 197, HB 201, HB 439.

EDUCATION (Ellis, Chairman):

3/20/97

SJR 12, be concurred in. Report adopted.

STATE ADMINISTRATION (Denny, Chairman):

3/21/97

SB 340, be amended as follows:

1. Page 2, line 1.

Following: "title,"

Insert: "administrative instructions at the bottom of the page,"

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

House amendments to Senate bills concurred in:

3/20/97

SB 46, introduced by Sprague

SB 68, introduced by Keating

SB 69, introduced by Waterman

SB 108, introduced by Beck

SB 114, introduced by Waterman

SB 124, introduced by Christiaens

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SB 144, introduced by Keating
SB 160, introduced by Bartlett

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 3/20/97

HB 44, introduced by Devaney
HB 346, introduced by Tropila
HB 352, introduced by Sliter
HB 479, introduced by Tuss
HB 547, introduced by Rehbein

House bill concurred in and returned to the House: 3/20/97

HB 577, introduced by Molnar

House joint resolution concurred in and returned to the House: 3/20/97

HJR 19, introduced by Mercer

The Senate, on 3/19/97, failed to concur in House amendments to **SB 61** and appointed a conference committee, requesting that the House appoint a like committee to confer on House amendments to SB 61.

President Aklestad appointed the following members:

Senator Keating, Chairman
Senator Baer
Senator Stang

The Senate, on 3/19/97, failed to concur in House amendments to **SB 99** and appointed a conference committee, requesting that the House appoint a like committee to confer on House amendments to SB 99.

President Aklestad appointed the following members:

Senator Thomas, Chairman
Senator Halligan
Senator McNutt

MESSAGES FROM THE GOVERNOR

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 20, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 7 sponsored by Representative Bergsagel on March 20, 1997.

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Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 20, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 18 sponsored by Representative J. Johnson et al. on March 20, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 20, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 42 sponsored by Representative Cobb on March 20, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 20, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 107 sponsored by Representative Kasten on March 20, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer

March 20, 1997

HOUSE JOURNAL
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Speaker of the House
State Capitol
Helena, Montana 59620

Dear Representative Mercer:

Please be informed that I have signed House Bill 152 sponsored by Representative Grady on March 20, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 20, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 165 sponsored by Representative Tuss on March 20, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 20, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 205 sponsored by Representative R. Johnson on March 20, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 20, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 214 sponsored by Representative Grady et al. on March 20, 1997.

HOUSE JOURNAL
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Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 20, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 225 sponsored by Representative Kitzenberg on March 20, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 20, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 262 sponsored by Representative Barnett et al. on March 20, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 20, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 340 sponsored by Representative Kottel et al. on March 20, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House

March 20, 1997

HOUSE JOURNAL
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State Capitol
Helena, Montana 59620

Dear Representative Mercer:

Please be informed that I have signed House Bill 385 sponsored by Representative McCulloch et al. on March 20, 1997.

Sincerely,

MARC RACICOT
Governor

**FIRST READING AND COMMITMENT
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

HB 613, introduced by Ream, referred to Committee on Taxation.

HB 614, introduced by Tuss, Halligan, referred to Committee on Appropriations.

Representative Grinde moved the House recess until 1:30 p.m. Motion carried.

House recessed at 1:09 p.m.

House reconvened at 1:37 p.m. Mr. Speaker in the Chair.

Roll call. Quorum present.

MOTIONS

HB 5 - Representative Grinde moved HB 5 be taken from third reading and placed on second reading the next legislative day. Motion carried.

HB 249 - Representative Grinde moved the House reconsider its action on HB 249 taken on third reading the previous legislative day. Motion carried. (60-37)

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Carey in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 13 - Representative Wiseman moved HB 13 do pass.

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Representative Harper moved HB 13, second reading copy, be amended (amendment #1). Motion failed as follows: (35-63)

Representative Rehbein moved HB 13, second reading copy, be amended (amendment #2). Motion failed as follows: (20-76)

Motion to pass HB 13 carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Peck, Quilici, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 74

Noes: Adams, Arnott, Bergsagel, Boharski, Brainard, Curtiss, DeBruycker, Jore, Kasten, Keenan, McCann, McGee, Molnar, Orr, Pease, Prouse, Raney, Rehbein, Simpson, Sliter, Story, Vick, Wagner, Wells, Whitehead.
Total 25

Voted Absentee: Ahner, Aye; Orr, No.

Excused: None.
Total 0

Absent or not voting: Holland.
Total 1

HB 576 - Representative Cobb moved HB 576 do pass. Motion carried as follows:

Ayes: Anderson, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 82

Noes: Adams, Arnott, Bankhead, Bergsagel, Boharski, Brainard, DeBruycker, Hayne, Jore, McGee, Orr, Prouse, Sliter, Story, Vick, Wagner, Wells.
Total 17

Voted Absentee: Orr, No.

Excused: Ahner.
Total 1

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Absent or not voting: None.

Total 0

HB 516 - Representative Keenan moved HB 516 do pass.

Representative Adams moved HB 516, second reading copy, be amended (amendment #1). Motion failed as follows: (31-66)

Motion to pass HB 516 carried as follows:

Ayes: Adams, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Arnott, Bergsagel, Cobb, Hayne, Jore, McGee, Prouse, Vick.

Total 8

Excused: Ahner, Orr.

Total 2

Absent or not voting: Ellis.

Total 1

HB 591 - Representative Arnott moved HB 591 do pass. Motion carried as follows:

Ayes: Adams, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: DeBruycker, Pavlovich.

Total 2

Excused: Ahner, Orr.

Total 2

Absent or not voting: Sands.

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Total 1

HB 596 - Representative Wiseman moved HB 596 do pass. Motion carried as follows:

Ayes: Adams, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: None.

Total 0

Excused: Ahner, Orr.

Total 2

Absent or not voting: Wiseman.

Total 1

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Carey moved that the Committee of the Whole report be adopted. Report adopted. (91-7)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 580 passed as follows:

Ayes: Adams, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Feland, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Rehbein, Rose, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Tash, Taylor, Trexler, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 87

Noes: Ellingson, Ewer, Galvin, Hagener, Harrington, Menahan, Ream, Ryan, Sands, Swanson, Tropila.

Total 11

Excused: Ahner, Orr.

Total 2

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Absent or not voting: None.
Total 0

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (Zook, Chairman): 3/21/97
HB 594, introduced bill, do pass. Report adopted.

TAXATION (Hibbard, Chairman): 3/21/97
HB 597, introduced bill, be amended as follows:

1. Title, line 4.
Strike: "REPEALING"
Insert: "LOWERING"

2. Title, lines 5 through 7.
Strike: "REVISING THE PER CAPITA LEVY ON LIVESTOCK;" on line 5
Strike: "SECTIONS 7-1-2111," on line 5
Insert: "SECTION"
Strike: "15-6-207," on line 5 through 15-24-931," on line 7

3. Page 1, line 12 through page 2, line 14
Strike: section 1 in its entirety
Renumber: subsequent sections

4. Page 2, line 19.
Following: "~~profit~~;"
Insert: "livestock and other species of domestic animals and wildlife raised in domestication or a captive environment, except for cats, dogs, and other household pets not raised for profit;"

5. Page 2, line 20.
Following: "~~(b)~~"
Insert: "(b)"
Renumber: subsequent subsection

6. Page 3, line 4.
Strike: "4%"
Insert: "2.47%"

7. Page 3, line 6 through page 8, line 9.
Strike: sections 3 through 13 in their entirety
Insert: "NEW SECTION. Section 2. Coordination instruction. If Senate Bill No. 195 is passed and approved containing provisions to eliminate the effects of the 1997 revaluation of property on class three property or if any other bill is passed and approved that eliminates the effects of the 1997 revaluation of property on class three property, then [this act] is void."
Renumber: subsequent section

And, as amended, do pass. Report adopted.

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HB 601, introduced bill, do pass. Report adopted.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 9:00 a.m., Saturday, March 22, 1997. Motion carried.

House adjourned at 2:56 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL
SIXTY-THIRD LEGISLATIVE DAY**

Helena, Montana
March 22, 1997

House Chambers
State Capitol

House convened at 9:00 a.m. Mr. Speaker in the Chair.

Roll call. All members present except Representatives Ahner, Dowell, Heavy Runner, Hurdle, Orr, Schmidt, excused. Quorum present.

Invocation by Mary Ann Swenson, United Methodist Church Bishop. Pledge of Allegiance to the Flag.

Mr. Speaker introduced today's honorary pages:

Marcus Geer, Missoula
Brian Geer, Missoula
Jared Geer, Missoula
Lisa Bray, Missoula
Ashley Shaw, Missoula
Kristin Robinson, Helena
Erin Oelkers, Helena
Jeremy Robinson, Helena
Tony Nordahl, Helena
Isaac Griffith, Butte
Danielle Alke, Helena
Nichole Alke, Helena
Ashlee Horswill, Philipsburg
Tanya Smith, East Helena

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman):

3/22/97

Correctly printed for second reading: HB 601, HB 594, SB 340, HB 597, SJR 12.

Correctly engrossed for third reading: HB 596, HB 591, HB 576, HB 516, HB 13.

Correctly enrolled: HB 577, HJR 19, HJR 6.

BUSINESS & LABOR (Simon, Chairman):

3/21/97

SB 113, be concurred in. Report adopted.

SB 193, be amended as follows:

1. Title, line 5.

Following: ";"

Strike: "AND"

Insert: "PROHIBITING A STATE AGENCY FROM REQUIRING AN APPRENTICE TO SERVE UNDER
MORE THAN ONE JOURNEYMAN OR MASTER ELECTRICIAN;"

2. Title, line 6.

Strike: "AND"

Insert: ", "

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Following: "37-68-311,"

Insert: "AND 39-6-106,"

Following: "MCA"

Insert: "; AND PROVIDING AN APPLICABILITY DATE"

3. Page 1, line 18.

Following: "electrician."

Insert: "A state agency may not require an apprentice to serve under more than one journeyman or master electrician."

4. Page 2, following line 7.

Insert: " Section 3. Section 39-6-106, MCA, is amended to read:

"39-6-106. Contents of apprenticeship agreements -- credit for prior training or experience. (1) Apprenticeship agreements ~~shall~~ must contain:

(a) a statement of the trade or craft to be taught and the required hours for completion of apprenticeship, which must be not less than 2,000 hours of reasonably continuous employment;

(b) a statement of the processes in the trade or craft divisions in which the apprentice is to be taught and the approximate amount of time to be spent at each process;

(c) a statement of the number of hours to be spent by the apprentice in related and supplemental instruction, which is recommended to be 144 hours ~~per~~ each year;

(d) a statement that apprentices must be not less than 16 years of age;

(e) a statement of the progressively increasing scale of wages to be paid the apprentice;

(f) provision for a period of probation during which the department of labor and industry ~~must~~ shall terminate an apprenticeship agreement at the request in writing of any party ~~thereto~~ to the agreement. After the probationary period, the department may terminate the registration of an apprentice upon agreement of the parties.

(g) provision that the services of the department may be ~~utilized~~ used for consultation regarding the settlement of differences arising out of the apprenticeship agreement ~~where such~~ when the differences cannot be adjusted locally or in accordance with the established trade procedure;

(h) provision that if an employer is unable to fulfill ~~his~~ the employer's obligation under the apprenticeship agreement, ~~he~~ the employer may transfer the obligation to another employer if the other employer has been approved as a training facility;

(i) subject to the provisions of 37-68-303, provision for the specification of the ratio of apprentices to journeymen. The department ~~will~~ shall continue to honor and recognize ratio provisions as established in existing labor/management bargaining agreements or as established by an industry practice.

(j) ~~such~~ additional standards as may be prescribed in accordance with this chapter.

(2) An apprentice who, prior to entering into an agreement, has had training or experience in the trade or craft in which ~~he~~ the apprentice is employed as an apprentice may be granted full or partial credit for the training or experience on the recommendation of the employer or the joint apprenticeship committee and with the approval of the department."

NEW SECTION. Section 4. Applicability. [Section 3] applies to apprenticeship agreements entered into or renewed on or after [the effective date of this act]."

And, as amended, be concurred in. Report adopted.

SB 239, be concurred in. Report adopted.

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SB 246, be concurred in. Report adopted.

SB 275, be concurred in. Report adopted.

SB 276, be concurred in. Report adopted.

SJR 5, be amended as follows:

1. Title, line 9.

Strike: "AND YOUTHS WHO HAVE COMMITTED OFFENSES"

2. Page 1, line 19.

page 2, lines 9, 10, and 14

Strike: "and juvenile offenders" or "and of juvenile offenders"

3. Page 2, line 15.

Strike: "those areas"

Insert: "that area"

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 3/21/97

HB 193, introduced by H. Hanson

HB 212, introduced by Raney

HB 268, introduced by Kottel

HB 361, introduced by Harper

HB 407, introduced by Ewer

HB 468, introduced by Gillan

HB 568, introduced by Ohs

House joint resolution concurred in and returned to the House:

3/21/97

HJR 6, introduced by Heavy Runner

House joint resolutions concurred in as amended and returned to the House for concurrence in Senate amendments: 3/21/97

HJR 23, introduced by Tropila

HJR 28, introduced by Curtiss

MESSAGES FROM THE GOVERNOR

The Honorable John Mercer
Speaker of the House
State Capitol

March 21, 1997

HOUSE JOURNAL
SIXTY-THIRD LEGISLATIVE DAY - MARCH 22, 1997

Helena, Montana 59620

Dear Representative Mercer:

Please be informed that I have signed House Bill 311 sponsored by Representative Orr on March 21, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena MT 59620

March 21, 1997

The Honorable Gary Aklestad
President of the Senate
State Capitol
Helena MT 59620

Dear Speaker Mercer and President Aklestad:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments House Bill 66, **"A BILL FOR AN ACT ESTABLISHING A CHILD-CARE RESOURCE AND REFERRAL AND CHILD-CARE IMPROVEMENT GRANT PROGRAM; DEFINING "PROFESSIONAL TRAINING", "SCHOOLAGE", AND "SCHOOL-AGE CARE"; SPECIFYING PRIORITIES; AMENDING SECTIONS 52-2-703 AND 52-2-711, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."**

One of the provisions in House Bill 66 authorizes the Department of Public Health and Human Services to award grants for consumer education and for improving the availability of quality child care and school-age day care. The bill sets forth the categories of grant applications that must be given priority by the Department. One of the categories to be given priority is "grant applications for preservation of existing care programs that fill a demonstrated need but have a high probability of closure." The operation of this language could result in rewarding those programs, the closure of which may be due to poor management or other undesirable practices, at the expense of those programs which may be deserving, but not on the verge of closure.

In order to make fairer the process for the awarding of grants, I offer an amendment that would require prioritization for the preservation or expansion of existing care programs that fill a demonstrated need. The prioritization of grant applications would not require that a program have a high probability of closure.

It is my understanding that Representative Cocchiarella, the bill's sponsor, agrees that these amendments would improve the grant-making process.

Sincerely,

MARC RACICOT

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Governor

GOVERNOR'S AMENDMENTS
TO HOUSE BILL 66

1. Page 4.

Following: "PRESERVATION"

Insert: "or expansion"

2. Page 4.

Strike: "BUT HAVE A HIGH PROBABILITY OF CLOSURE"

**FIRST READING AND COMMITMENT
OF BILLS AND RESOLUTIONS**

The following House bill was introduced, read first time, and referred to committee:

HB 615, introduced by Cobb, Grosfield, referred to Committee on Business & Labor.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Grinde in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 14 - Representative R. Johnson moved HB 14 do pass.

Representative Tropila moved HB 14, second reading copy, be amended (amendment #1). Motion failed as follows: (39-55)

Representative Cobb moved HB 14, second reading copy, be amended (amendment #2). Motion failed as follows: (26-70)

Motion to pass HB 14 carried as follows:

Ayes: Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bohlinger, Bookout, Carey, Clark, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Ellis, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Orr, Pavlovich, Pease, Quilici, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.
Total 72

Noes: Adams, Arnott, Bitney, Boharski, Brainard, Cobb, DeBruycker, Dowell, Ewer, Feland, Grinde, Hurdle, Jore, Kasten, Keenan, Ohs, Peck, Prouse, Raney, Rehbein, Simpson, Sliter, Tuss, Vick, Wagner, Wyatt.

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Total 26

Voted Absentee: Heavy Runner, Orr, Schmidt, Ayes; Dowell, Hurdle, Noes.

Excused: Ahner.

Total 1

Absent or not voting: Molnar.

Total 1

HB 5 - Representative Bergsagel moved HB 5 do pass.

Representative Ohs moved HB 5, second reading copy, be amended as follows (amendment #1):

1. Title, line 13.

Following: line 12

Insert: "CREATING A MONTANA HERITAGE PRESERVATION AND DEVELOPMENT ACCOUNT;
ALLOCATING A PORTION OF THE LODGING FACILITY USE TAX TO THE ACCOUNT;
STATUTORILY APPROPRIATING THE ACCOUNT;"

2. Title, line 14.

Following: "15-35-108,"

Insert: "15-65-121, 17-7-502,"

Following: "22-2-301,"

Insert: "AND"

Strike: "AND 23-1-108,"

3. Title, line 15.

Following: "DATES"

Insert: "AND A TERMINATION DATE"

4. Page 8, line 14.

Following: "ASSETS."

Insert: "(1)"

5. Page 8, line 18.

Following: " _ "

Insert: "The Montana historical society may deliver the purchase price to an intermediary designated by the seller, in the seller's sole discretion. In addition, the Montana historical society shall comply with the terms of the option agreement entered into by the state of Montana and the owners of the property. The Montana historical society shall cooperate fully with the seller in executing any documents reasonably necessary to effectuate an exchange of the property and take other steps necessary to carry out the seller's intent to complete a tax-deferred exchange under section 1031 of the Internal Revenue Code, 26 U.S.C. 1031."

6. Page 8, line 19.

Following: line 18

Insert: "(2) Immediately upon acquisition, the Montana state capitol artifacts located in Virginia City and Nevada City must be transferred to the department of administration for use in historic restoration of the state

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capitol."

7. Page 10, line 9.

Insert: "Section 12. Section 15-65-121, MCA, is amended to read:

"15-65-121. Distribution of tax proceeds -- general fund loan authority. (1) The proceeds of the tax imposed by 15-65-111 must, in accordance with the provisions of 15-1-501, be deposited in an account in the state special revenue fund to the credit of the department of revenue. The department may spend from that account in accordance with an expenditure appropriation by the legislature based on an estimate of the costs of collecting and disbursing the proceeds of the tax. Before allocating the balance of the tax proceeds in accordance with the provisions of 15-1-501 and as provided in subsections (1)(a) through (1)(e) of this section, the department shall determine the expenditures by state agencies for in-state lodging for each reporting period and deduct 4% of that amount from the tax proceeds received each reporting period. The amount deducted must be deposited in the general fund. The amount of \$400,000 each year must be deposited in the Montana heritage preservation and development account provided for in [section 20]. The balance of the tax proceeds received each reporting period and not deducted pursuant to the expenditure appropriation or deposited in the Montana heritage preservation and development account or the general fund is statutorily appropriated, as provided in 17-7-502, and must be transferred to an account in the state special revenue fund to the credit of the department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials, to the Montana historical society, to the university system, and to the department of fish, wildlife, and parks, as follows:

- (a) 1% to the Montana historical society to be used for the installation or maintenance of roadside historical signs and historic sites;
- (b) 2.5% to the university system for the establishment and maintenance of a Montana travel research program;
- (c) 6.5% to the department of fish, wildlife, and parks for the maintenance of facilities in state parks that have both resident and nonresident use;
- (d) 67.5% to be used directly by the department of commerce; and
- (e) (i) except as provided in subsection (1)(e)(ii), 22.5% to be distributed by the department to regional nonprofit tourism corporations in the ratio of the proceeds collected in each tourism region to the total proceeds collected statewide; and
- (ii) if 22.5% of the proceeds collected annually within the limits of a city or consolidated city-county exceeds \$35,000, 50% of the amount available for distribution to the regional nonprofit tourism corporation in the region where the city or consolidated city-county is located, to be distributed to the nonprofit convention and visitors bureau in that city or consolidated city-county.

(2) If a city or consolidated city-county qualifies under this section for funds but fails to either recognize a nonprofit convention and visitors bureau or submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds must be allocated to the regional nonprofit tourism corporation in the region in which the city or consolidated city-county is located.

(3) If a regional nonprofit tourism corporation fails to submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds otherwise allocated to the regional nonprofit tourism corporation may be used by the department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials."

Section 13. Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

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- (a) The law containing the statutory authority must be listed in subsection (3).
- (b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.
- (3) The following laws are the only laws containing statutory appropriations: 2-9-202; 2-17-105; 2-18-812; 3-5-901; 5-13-403; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-111; 15-23-706; 15-30-195; 15-31-702; 15-37-117; 15-38-202; 15-65-121; 15-70-101; 16-1-404; 16-1-410; 16-1-411; 16-11-308; 17-3-106; 17-3-212; 17-5-404; 17-5-424; 17-5-804; 17-6-101; 17-6-201; 17-7-304; 18-11-112; 19-2-502; 19-6-709; 19-9-1007; 19-17-301; 19-18-512; 19-18-513; 19-18-606; 19-19-205; 19-19-305; 19-19-506; 20-8-107; 20-8-111; 20-9-361; 20-26-1503; [section 20]; 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-631; 23-7-301; 23-7-402; 32-1-537; 37-43-204; 37-51-501; 39-71-503; 39-71-907; 39-71-2321; 39-71-2504; 44-12-206; 44-13-102; 50-4-623; 50-5-232; 50-40-206; 53-6-150; 53-6-703; 53-24-206; 60-2-220; 67-3-205; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 76-12-123; 80-2-103; 80-2-222; 80-4-416; 81-5-111; 82-11-136; 82-11-161; 85-1-220; 85-20-402; 90-3-301; 90-4-215; 90-6-331; 90-7-220; 90-7-221; and 90-9-306.
- (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 7, Ch. 567, L. 1991, the inclusion of 19-6-709 terminates upon death of last recipient eligible for supplemental benefit; and pursuant to sec. 7(2), Ch. 29, L. 1995, the inclusion of 15-30-195 terminates July 1, 2001.)"

Renumber: subsequent sections

8. Page 10, line 25.

Strike: "income of the trust fund"

Insert: "account"

9. Page 10, line 29 through page 11, line 10.

Strike: section 14 in its entirety

Renumber: subsequent sections

10. Page 11, line 15.

Strike: "NINE"

Insert: "11"

11. Page 11, line 16.

Strike: "FIVE"

Insert: "Seven"

12. Page 11, line 26.

Strike: "ONE MEMBER"

Insert: "two members"

Strike: "AND"

13. Page 11, line 27.

Following: line 26

Insert: "(e) one member must be a member of the tourism advisory council established in 2-15-1816; and"

Renumber: subsequent subsection

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14. Page 12, line 16.

Strike: "THE"

Insert: "one"

Following: "YEARS"

Insert: ", and one member, 4 years"

15. Page 12, line 17.

Following: line 16

Insert: "(5) the tourism advisory council member, 5 years;"

Renumber: subsequent subsections

16. Page 12, lines 20 and 21.

Strike: "15" on line 20 through "SECTION" on line 21

Insert: "16 and 18 through 20

17. Page 12, line 30.

Strike: "17"

Insert: "18"

18. Page 14, line 9.

Following: line 8

Insert: "(7) Prior to the convening of each regular session, the commission shall report to the governor and the legislature concerning financial activities during the prior biennium.

NEW SECTION. Section 20. Montana heritage preservation and development account. (1) There is a Montana heritage preservation and development account in the state special revenue fund.

(2) Money deposited in the account must be used for:

(a) the purchase of properties in Virginia City and Nevada City;

(b) restoration, maintenance, and operation of historic properties in Virginia City and Nevada City; and

(c) purchasing, restoring, and maintaining historically significant properties in Montana that are in need of preservation.

(3) The account is statutorily appropriated, as provided in 17-7-502, to the Montana heritage preservation and development commission to be used as provided in this section."

Renumber: subsequent sections

19. Page 14, line 10.

Strike: "15, 17, AND 18"

Insert: "16 and 18 through 20"

20. Page 14, line 12.

Strike: "15, 17, AND 18"

Insert: "16 and 18 through 20"

21. Page 14, line 29.

Insert: "NEW SECTION. Section 25. Coordination. If House Bill No. 166 and [this act] are both passed and approved and if both bills amend 15-65-121, then the amendments to 15-65-121 in House Bill No. 166 are void."

Renumber: subsequent section

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22. Page 14, line 30.
Following: "DATES"
Insert: "-- termination"

23. Page 15, line 2.
Strike: "AND 11"
Insert: "through 12"

24. Page 15, line 3.
Insert: "(3) [Section 12] terminates July 1, 2001."

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 87

Noes: Adams, Arnott, Brainard, DeBruycker, Feland, Jore, Kasten, Keenan, McGee, Wagner.
Total 10

Voted Absentee: Ahner, Dowell, Hurdle, Schmidt, Ayes.

Excused: Heavy Runner, Orr.
Total 2

Absent or not voting: Ohs.
Total 1

Representative Grimes moved HB 5, second reading copy, be further amended (amendment #2). Motion failed as follows: (31-67)

Representative Kitzenberg moved HB 5, second reading copy, be further amended (amendment #3). Motion failed as follows: (40-58)

Representative Raney moved HB 5, second reading copy, be further amended (amendment #4). Motion failed as follows: (43-55)

Representative Boharski moved HB 5, second reading copy, be further amended (amendment #5). Motion failed as follows: (28-69)

Representative Swanson moved HB 5, second reading copy, be further amended (amendment #6). Motion failed as follows: (36-63)

Representative Raney moved HB 5, second reading copy, be further amended as follows (amendment #7):

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1. Page 6, following line 16.

Insert: "(e) The department of fish, wildlife, and parks shall submit to the legislature the report required by 23-1-110 regarding any money appropriated in [sections 1 through 21] and spent to improve or develop state parks or fishing access sites. In submitting the proposed 2001 biennium budget of the department of fish, wildlife, and parks to the legislative fiscal analyst, as provided in 17-7-122, the governor shall include the report required by 23-1-110 for legislative consideration and funding approval of the specific projects. The legislature recommends that the 1999 legislature not appropriate any funds for the improvement or development of a state park or fishing access site without reviewing and considering each proposed project contained in the report. It is the intent of the legislature that priorities in the 2001 biennium funding request for state parks and fishing access sites be on maintenance of existing facilities rather than on improvement or development. As used in this intent statement, "maintenance" means placing, cleaning, and stocking of latrines; garbage and litter cleanup; fence installation and repair; weed control; implementation of safety and health measures required by law to protect the public; upkeep of established trails, roads, boat docks, and other existing facilities; in-kind replacement of existing facilities; erosion control; streambank stabilization; erection of barriers necessary to preserve riparian vegetation and habitat; minimal signage necessary to inform users of appropriate park or site use and applicable regulations; measures necessary to ensure compliance with the federal Americans With Disabilities Act of 1990, when applicable; planting of native trees, grasses, and shrubs; and installation of fire rings, picnic tables, and trash collection facilities.

(f) Unexpended funds appropriated in [this act] to the department of fish, wildlife, and parks for maintenance may be used only for that purpose. Unexpended funds appropriated in [this act] to the department of fish, wildlife, and parks for capital improvements may be spent only for maintenance."

Amendment #7 passed as follows:

Ayes: Adams, Anderson, Barnhart, Beaudry, Boharski, Bohlinger, Carey, Cobb, Curtiss, Denny, Dowell, Ellingson, Ellis, Ewer, Galvin, Harper, Harrington, Heavy Runner, Hurdle, Jore, Kitzenberg, Knox, Kottel, Krenzler, Masolo, McCann, McCulloch, McGee, Menahan, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Rehbein, Ryan, Schmidt, Simon, Simpson, Soft, Squires, Stovall, Swanson, Taylor, Trexler, Tropila, Tuss, Wagner, Whitehead, Wyatt, Zook.

Total 52

Noes: Arnott, Bankhead, Barnett, Bergman, Bergsagel, Bitney, Bookout, Brainard, Clark, Cocchiarella, DeBruycker, Devaney, Feland, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Keenan, Lawson, Marshall, Mills, Molnar, Mood, Ohs, Ream, Rose, Sands, Simpkins, Sliter, Smith, Story, Tash, Vick, Walters, Wells, Wiseman, Mr. Speaker.

Total 45

Voted Absentee: Dowell, Heavy Runner, Hurdle, Schmidt, Ayes.

Excused: Ahner, Orr.

Total 2

Absent or not voting: Grinde.

Total 1

Representative Kitzenberg moved HB 5, second reading copy, be further amended as follows (amendment #8):

1. Page 4, line 22.

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Following: line 21

Insert: "DEPARTMENT OF COMMERCE

Fort Peck Interpretive Center Grant 45,000 State Special Revenue"

House Committee of the Whole Amendments (Ohs) #7, the insert, is amended as follows:

"Section 12. Section 15-65-121, MCA, is amended to read:

"15-65-121. Distribution of tax proceeds -- general fund loan authority. (1) The proceeds of the tax imposed by 15-65-111 must, in accordance with the provisions of 15-1-501, be deposited in an account in the state special revenue fund to the credit of the department of revenue. The department may spend from that account in accordance with an expenditure appropriation by the legislature based on an estimate of the costs of collecting and disbursing the proceeds of the tax. Before allocating the balance of the tax proceeds in accordance with the provisions of 15-1-501 and as provided in subsections (1)(a) through (1)(e) of this section, the department shall determine the expenditures by state agencies for in-state lodging for each reporting period and deduct 4% of that amount from the tax proceeds received each reporting period. The amount deducted must be deposited in the general fund. The amount of \$400,000 each year must be deposited in the Montana heritage preservation and development account provided for in [section 20]. On July 1, 1997, the amount of \$45,000 is transferred to the department of commerce for purposes of a grant to the Fort Peck interpretive center. The balance of the tax proceeds received each reporting period and not deducted pursuant to the expenditure appropriation or deposited in the Montana heritage preservation and development account or the general fund is statutorily appropriated, as provided in 17-7-502, and must be transferred to an account in the state special revenue fund to the credit of the department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials, to the Montana historical society, to the university system, and to the department of fish, wildlife, and parks, as follows:

- (a) 1% to the Montana historical society to be used for the installation or maintenance of roadside historical signs and historic sites;
 - (b) 2.5% to the university system for the establishment and maintenance of a Montana travel research program;
 - (c) 6.5% to the department of fish, wildlife, and parks for the maintenance of facilities in state parks that have both resident and nonresident use;
 - (d) 67.5% to be used directly by the department of commerce; and
 - (e) (i) except as provided in subsection (1)(e)(ii), 22.5% to be distributed by the department to regional nonprofit tourism corporations in the ratio of the proceeds collected in each tourism region to the total proceeds collected statewide; and
(ii) if 22.5% of the proceeds collected annually within the limits of a city or consolidated city-county exceeds \$35,000, 50% of the amount available for distribution to the regional nonprofit tourism corporation in the region where the city or consolidated city-county is located, to be distributed to the nonprofit convention and visitors bureau in that city or consolidated city-county.
- (2) If a city or consolidated city-county qualifies under this section for funds but fails to either recognize a nonprofit convention and visitors bureau or submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds must be allocated to the regional nonprofit tourism corporation in the region in which the city or consolidated city-county is located.
- (3) If a regional nonprofit tourism corporation fails to submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds otherwise allocated to the regional nonprofit tourism corporation may be used by the department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials."

Amendment #8 passed as follows:

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Ayes: Barnhart, Beaudry, Bergman, Bohlinger, Bookout, Carey, Cocchiarella, Curtiss, DeBruycker, Denny, Dowell, Ellingson, Feland, Galvin, Gillan, Grimes, Hagener, M. Hanson, Harper, Hayne, Holland, J. Johnson, Kitzenberg, Kottel, Krenzler, McCulloch, McGee, Menahan, Mills, Pavlovich, Pease, Quilici, Raney, Ream, Rehbein, Ryan, Sands, Schmidt, Simpkins, Simpson, Smith, Soft, Squires, Stovall, Swanson, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Whitehead.

Total 52

Noes: Adams, Anderson, Arnott, Bankhead, Barnett, Bergsagel, Bitney, Boharski, Brainard, Clark, Cobb, Devaney, Ellis, Ewer, Grady, Grinde, H.S. Hanson, Harrington, Hibbard, R. Johnson, Jore, Kasten, Keenan, Knox, Lawson, Marshall, Masolo, McCann, Molnar, Mood, Ohs, Peck, Prouse, Rose, Simon, Sliter, Story, Tash, Vick, Walters, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 44

Voted Absentee: Dowell, Schmidt, Ayes.

Excused: Ahner, Heavy Runner, Hurdle, Orr.

Total 4

Absent or not voting: None.

Total 0

Representative Rehbein moved HB 5, second reading copy, be further amended as follows (amendment #9):

1. Page 6, line 26 through page 7, line 7.

Strike: subsection (3) in its entirety.

Renummer: subsequent subsections

LFD will adjust totals.

Explanation: This amendment removes authorization for the construction of a new classroom-laboratory building at MSU-Bozeman in the amount of \$19,000,000.

Amendment #9 passed as follows:

Ayes: Adams, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Devaney, Ellis, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Holland, Jore, Kasten, Keenan, Knox, Masolo, McCann, McGee, Mills, Molnar, Prouse, Raney, Rehbein, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 52

Noes: Barnhart, Bookout, Carey, Cocchiarella, Denny, Dowell, Ellingson, Ewer, Feland, Galvin, Gillan, Grady, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Kottel, Krenzler, Lawson, Marshall, McCulloch, Menahan, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Ream, Rose, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Tash, Tropila, Tuss, Whitehead, Wyatt.

Total 46

Voted Absentee: Dowell, Heavy Runner, Hurdle, Schmidt, Noes.

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Excused: Ahner, Orr.
Total 2

Absent or not voting: None.
Total 0

Representative Rehbein moved HB 5, second reading copy, be further amended as follows (amendment #10):

1. Page 7, lines 11 and 12.
Strike: lines 11 and 12 in their entirety.

LFD will adjust totals.

Explanation: This amendment removes \$16,050,000 in authority only projects for the University of Montana.

Amendment #10 passed as follows:

Ayes: Adams, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Devaney, Ellis, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Holland, Jore, Kasten, Keenan, Knox, Marshall, Masolo, McCann, McGee, Mills, Molnar, Mood, Ohs, Prouse, Rehbein, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.
Total 55

Noes: Barnhart, Bookout, Carey, Cocchiarella, Denny, Dowell, Ellingson, Ewer, Feland, Galvin, Gillan, Grady, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kottel, Krenzler, Lawson, McCulloch, Menahan, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.
Total 42

Voted Absentee: Dowell, Heavy Runner, Hurdle, Schmidt, Noes.

Excused: Ahner, Orr.
Total 2

Absent or not voting: Kitzenberg.
Total 1

Representative Raney moved HB 5, second reading copy, be further amended (amendment #11).

Representative Sliter assumed the Chair at this time.

Amendment #11 failed as follows: (39-56)

Representative Grinde resumed the Chair at this time.

Representative Grimes moved HB 5, second reading copy, be further amended (amendment #12). Motion failed as follows: (36-61)

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Motion that HB 5 do pass, as amended, carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Clark, Curtiss, Denny, Devaney, Ellis, Grady, Grimes, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Marshall, Masolo, McCann, McGee, Mills, Mood, Ohs, Orr, Peck, Rose, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 52

Noes: Adams, Arnott, Barnhart, Boharski, Brainard, Carey, Cobb, Cocchiarella, DeBruycker, Dowell, Ellingson, Ewer, Feland, Galvin, Gillan, Grinde, Hagener, Harper, Harrington, Heavy Runner, Hurdle, Jore, Kasten, Kottel, Krenzler, Lawson, McCulloch, Menahan, Molnar, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rehbein, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Vick, Wagner, Whitehead, Wyatt.

Total 48

Voted Absentee: Ahner, Orr, Ayes; Dowell, Heavy Runner, Hurdle, Schmidt, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Brainard excused at this time.

HB 188 - Representative Denny moved HB 188 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Lawson, Marshall, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Quilici, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tuss, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 75

Noes: Adams, Arnott, Bankhead, Boharski, Brainard, DeBruycker, Dowell, Feland, Grinde, Harper, Hurdle, Jore, Krenzler, Masolo, McCann, Molnar, Peck, Prouse, Raney, Rehbein, Tropila, Vick, Wagner, Walters, Wyatt.

Total 25

Voted Absentee: Ahner, Heavy Runner, Orr, Schmidt, Ayes; Brainard, Dowell, Hurdle, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 433 - Representative Walters moved HB 433 do pass.

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Representative Vick moved HB 433, second reading copy, be amended as follows (amendment #1):

1. Title, line 9.

Following: "CHILD;"

Insert: "PROHIBITING A TAX CREDIT FOR EDUCATIONAL EXPENSES FOR TUITION AND FEES FOR A HOME SCHOOL;"

2. Page 2, line 9.

Following: "1"

Insert: ", but do not include amounts paid by an individual for tuition and fees to a home school provided for under the provisions of 20-5-109"

Amendment #1 passed as follows:

Ayes: Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Carey, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Feland, Grady, Grimes, Grinde, M. Hanson, Harrington, Hayne, Hibbard, Holland, J. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Rehbein, Rose, Ryan, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 70

Noes: Adams, Barnhart, Clark, Ewer, Galvin, Gillan, Hagener, Harper, Hurdle, R. Johnson, Krenzler, Molnar, Quilici, Raney, Ream, Sands, Swanson, Tuss, Whitehead, Wyatt.

Total 20

Voted Absentee: Hurdle, No.

Excused: Ahner, Brainard, Dowell, Heavy Runner, Orr, Schmidt.

Total 6

Absent or not voting: Bookout, DeBruycker, Ellis, H.S. Hanson.

Total 4

Representative Sliter assumed the Chair at this time.

Representative Peck moved HB 433, second reading copy, be further amended (amendment #2).

Representative McCann excused at this time.

Amendment #2 failed as follows: (35-56)

Representative Grinde resumed the Chair at this time.

Representative Tropila moved for cloture. Motion carried.

Motion that HB 433 do pass, as amended, failed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bitney, Boharski, Bookout,

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Brainard, Cobb, Curtiss, Denny, Ellis, Feland, Grimes, Grinde, H.S. Hanson, Jore, Kasten, Keenan, Knox, Marshall, McGee, Molnar, Ohs, Orr, Prouse, Rehbein, Simpkins, Sliter, Soft, Story, Stovall, Vick, Wagner, Walters, Wells, Zook, Mr. Speaker.

Total 42

Noes: Barnhart, Bergsagel, Bohlinger, Carey, Clark, Cocchiarella, DeBruycker, Devaney, Dowell, Ellingson, Ewer, Galvin, Gillan, Grady, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Kottel, Krenzler, Lawson, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Smith, Squires, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Whitehead, Wiseman, Wyatt.

Total 58

Voted Absentee: Ahner, Brainard, Orr, Ayes; Dowell, Heavy Runner, Hurdle, McCann, Schmidt, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative McCann present at this time.

Representative Bohlinger excused at this time.

SB 34 - Representative Gillan moved SB 34 be concurred in. Motion carried as follows:

Ayes: Adams, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Boharski, DeBruycker, Jore, Kasten, McGee, Prouse, Rehbein, Walters.

Total 8

Voted Absentee: Bohlinger, Brainard, Dowell, Heavy Runner, Hurdle, Orr, Schmidt, Ayes.

Excused: Ahner.

Total 1

Absent or not voting: Vick.

Total 1

SB 42 - Representative Pavlovich moved SB 42 be concurred in. Motion carried as follows:

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Ayes: Anderson, Barnett, Beaudry, Bergman, Bohlinger, Carey, Clark, Cocchiarella, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, Hurdle, J. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Wagner, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 63

Noes: Adams, Arnott, Bankhead, Barnhart, Bergsagel, Boharski, Brainard, Cobb, Curtiss, DeBruycker, Feland, Grimes, Grinde, Harper, Heavy Runner, R. Johnson, Jore, Kasten, Keenan, McGee, Molnar, Mood, Prouse, Rehbein, Sliter, Smith, Soft, Vick, Walters, Wells, Wyatt.

Total 31

Voted Absentee: Bohlinger, Dowell, Hurdle, Orr, Schmidt, Ayes; Brainard, Heavy Runner, Noes.

Excused: Ahner.

Total 1

Absent or not voting: Bitney, Bookout, Holland, Mills, Tuss.

Total 5

SB 60 - Representative Hibbard moved SB 60 be concurred in. Motion carried as follows:

Ayes: Anderson, Barnett, Barnhart, Beaudry, Bergman, Bohlinger, Brainard, Carey, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Marshall, McCann, McCulloch, McGee, Menahan, Molnar, Mood, Orr, Pavlovich, Pease, Peck, Quilici, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 77

Noes: Adams, Arnott, Bankhead, Bergsagel, Boharski, Clark, Grimes, Jore, Keenan, Lawson, Masolo, Ohs, Prouse, Raney, Rehbein, Smith, Vick.

Total 17

Voted Absentee: Bohlinger, Brainard, Dowell, Heavy Runner, Hurdle, Orr, Schmidt, Ayes.

Excused: Ahner.

Total 1

Absent or not voting: Bitney, Bookout, Cobb, Ellis, Mills.

Total 5

SB 216 - Representative Anderson moved SB 216 be concurred in. Motion carried as follows:

Ayes: Adams, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, H.S. Hanson, M. Hanson, Hayne,

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Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Prouse, Quilici, Raney, Rehbein, Rose, Ryan, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 66

Noes: Barnhart, Brainard, Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hurdle, Keenan, Kitzenberg, Kottel, McCulloch, Molnar, Pease, Peck, Ream, Sands, Schmidt, Squires, Tropila, Tuss, Whitehead, Wyatt.

Total 29

Voted Absentee: Bohlinger, Aye; Brainard, Dowell, Heavy Runner, Hurdle, Schmidt, Noes.

Excused: Ahner, Orr.

Total 2

Absent or not voting: Grady, Grimes, Grinde.

Total 3

SB 220 - Representative Knox moved SB 220 be concurred in. Motion carried as follows:

Ayes: Barnhart, Beaudry, Bergman, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Denny, Dowell, Ellingson, Gillan, Grady, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kitzenberg, Knox, Kottel, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Quilici, Ream, Ryan, Sands, Schmidt, Simon, Simpson, Squires, Story, Stovall, Swanson, Tash, Trexler, Tuss, Whitehead, Zook.

Total 49

Noes: Adams, Anderson, Arnott, Bankhead, Barnett, Bergsagel, Bitney, Boharski, Brainard, DeBruycker, Devaney, Ellis, Ewer, Feland, Galvin, Grimes, Grinde, Hayne, Holland, R. Johnson, Jore, Kasten, Keenan, Krenzler, Lawson, Masolo, McGee, Molnar, Orr, Pease, Peck, Prouse, Raney, Rehbein, Rose, Simpkins, Sliter, Smith, Soft, Taylor, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Mr. Speaker.

Total 48

Voted Absentee: Bohlinger, Dowell, Heavy Runner, Hurdle, Schmidt, Ayes; Brainard, Orr, Noes.

Excused: Ahner.

Total 1

Absent or not voting: Curtiss, Marshall.

Total 2

Representative Ohs moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Grinde moved that the Committee of the Whole report be adopted. Report adopted. (57-34)

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THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 47 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Adams, Boharski, Cobb, Jore, Kasten, Keenan, Rehbein, Vick.

Total 8

Voted Absentee: Ahner, Bohlinger, Brainard, Dowell, Heavy Runner, Hurdle, Schmidt, Ayes.

Excused: Orr.

Total 1

Absent or not voting: None.

Total 0

HB 13 passed as follows:

Ayes: Ahner, Bankhead, Barnett, Barnhart, Beaudry, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, Menahan, Mills, Ohs, Pavlovich, Quilici, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 70

Noes: Adams, Anderson, Arnott, Bergman, Bergsagel, Boharski, Brainard, Curtiss, DeBruycker, Feland, Jore, Kasten, Keenan, McCann, McGee, Molnar, Mood, Pease, Peck, Prouse, Raney, Rehbein, Simpson, Sliter, Story, Vick, Wagner, Wells, Whitehead.

Total 29

Voted Absentee: Ahner, Bohlinger, Dowell, Heavy Runner, Hurdle, Schmidt, Ayes; Brainard, No.

Excused: Orr.

Total 1

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Absent or not voting: None.

Total 0

HB 576 passed as follows:

Ayes: Anderson, Barnett, Barnhart, Beaudry, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 82

Noes: Adams, Arnott, Bankhead, Bergman, Bergsagel, DeBruycker, Hayne, Jore, Keenan, McGee, Prouse, Story, Vick, Wagner, Walters, Wells.

Total 16

Voted Absentee: Bohlinger, Brainard, Dowell, Heavy Runner, Hurdle, Schmidt, Ayes.

Excused: Ahner, Orr.

Total 2

Absent or not voting: None.

Total 0

HB 516 passed as follows:

Ayes: Adams, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Arnott, Bergsagel, Cobb, Hayne, Jore, McGee, Prouse.

Total 7

Voted Absentee: Bohlinger, Brainard, Dowell, Heavy Runner, Hurdle, Schmidt, Ayes.

Excused: Ahner, Orr.

Total 2

Absent or not voting: None.

Total 0

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HB 591 passed as follows:

Ayes: Adams, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

Total 0

Voted Absentee: Bohlinger, Brainard, Dowell, Heavy Runner, Hurdle, Schmidt, Ayes.

Excused: Ahner, Orr.

Total 2

Absent or not voting: None.

Total 0

HB 596 passed as follows:

Ayes: Adams, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Barnhart, McGee.

Total 2

Voted Absentee: Bohlinger, Brainard, Dowell, Heavy Runner, Hurdle, Schmidt, Ayes.

Excused: Ahner, Orr.

Total 2

Absent or not voting: Story, Stovall.

Total 2

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MOTIONS

HB 591 - Representative Story moved he be allowed to change his vote on HB 591, third reading, from nay to aye. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 12:00 p.m., Monday, March 24, 1997. Motion carried.

House adjourned at 2:59 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL
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Helena, Montana
March 24, 1997

House Chambers
State Capitol

House convened at 12:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Mood. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives M. Hanson, Holland, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the sixty-first and sixty-second legislative days, find the same to be correct.

Hayne, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 3/24/97

Correctly printed for second reading: SB 193, SJR 5, SB 113, SB 239, SB 246, SB 275.

Correctly engrossed for third reading: SB 34, SB 42, SB 60, SB 216, SB 220, HB 14, HB 188, HB 5.

APPROPRIATIONS (Zook, Chairman): 3/22/97

HB 499, introduced bill, do pass. Report adopted.

SB 310, be concurred in. Report adopted.

TRANSPORTATION (Anderson, Chairman): 3/24/97

SB 343, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

House joint resolution concurred in as amended and returned to the House for concurrence in Senate amendments: 3/22/97

HJR 27, introduced by Anderson

House bills concurred in and returned to the House: 3/22/97

HB 224, introduced by Kitzenberg

HB 317, introduced by Gillan

HB 489, introduced by Story

House bill concurred in as amended and returned to the House for concurrence in Senate amendments: 3/22/97

HB 74, introduced by Masolo

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

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SB 34 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 88

Noes: Boharski, Brainard, DeBruycker, Feland, Jore, Kasten, Keenan, McGee, Orr, Rehbein, Walters.
Total 11

Voted Absentee: M. Hanson, Holland, Ayes.

Excused: None.
Total 0

Absent or not voting: McCann.
Total 1

SB 42 concurred in as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Cocchiarella, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, Menahan, Mills, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Wagner, Whitehead, Wiseman, Zook, Mr. Speaker.
Total 66

Noes: Adams, Arnott, Bankhead, Bergsagel, Boharski, Brainard, Clark, Cobb, Curtiss, DeBruycker, Feland, Grimes, Grinde, R. Johnson, Jore, Kasten, Keenan, McGee, Molnar, Mood, Orr, Prouse, Rehbein, Rose, Sliter, Smith, Soft, Tuss, Vick, Walters, Wells, Wyatt.
Total 32

Voted Absentee: M. Hanson, Aye.

Excused: Holland.
Total 1

Absent or not voting: McCann.
Total 1

SB 60 concurred in as follows:

Ayes: Anderson, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb,

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Cocchiarella, Curtiss, DeBruycker, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 83

Noes: Adams, Arnott, Bankhead, Bergsagel, Boharski, Devaney, Jore, Keenan, McGee, Molnar, Orr, Rehbein, Smith, Vick.
Total 14

Voted Absentee: M. Hanson, Aye.

Excused: Holland.
Total 1

Absent or not voting: Ahner, Rose.
Total 2

SB 216 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, J. Johnson, R. Johnson, Jore, Kasten, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Prouse, Quilici, Raney, Rehbein, Rose, Ryan, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.
Total 71

Noes: Barnhart, Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hurdle, Keenan, Kitzenberg, Kottel, McCulloch, Molnar, Pease, Peck, Ream, Sands, Schmidt, Squires, Tropila, Tuss, Whitehead, Wyatt.
Total 28

Voted Absentee: M. Hanson, Aye.

Excused: Holland.
Total 1

Absent or not voting: None.
Total 0

SB 220 not concurred in as follows:

Ayes: Anderson, Barnhart, Beaudry, Bohlinger, Carey, Cobb, Cocchiarella, Dowell, Ellingson, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, Holland, Hurdle, J. Johnson, Kitzenberg, Knox, Kottel, Krenzler, McCann, McCulloch, Menahan, Pavlovich, Peck, Quilici, Ream, Ryan, Sands,

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Schmidt, Simon, Simpson, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Whitehead, Wyatt.

Total 49

Noes: Adams, Ahner, Arnott, Bankhead, Barnett, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Ewer, Feland, Grinde, Hayne, Heavy Runner, R. Johnson, Jore, Kasten, Keenan, Lawson, Marshall, Masolo, McGee, Mills, Molnar, Mood, Orr, Pease, Prouse, Raney, Rehbein, Rose, Simpkins, Sliter, Smith, Soft, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 50

Voted Absentee: M. Hanson, Holland, Ayes.

Excused: None.

Total 0

Absent or not voting: Ohs.

Total 1

Representative Grinde moved the House recess until 2:30 p.m. Motion carried.

House recessed at 12:09 p.m.

House reconvened at 2:30 p.m. Mr. Speaker in the Chair.

Roll call. Quorum present.

Mr. Speaker introduced this week's pages:

Ginger Aldrich, Billings
Elise Bailey, Helena
Rachel Bankhead, Heron
Kim Carlson, Missoula
Hilary Fairbrother, Helena
Traci McMickle, Black Eagle
Ashley Mercer, Yakima, Washington
Callie Taylor, Miles City
Drew Wendt, Polson
Anne Williams, Butte

SPECIAL ORDERS OF THE DAY

Sergeant-at-Arms Skelton announced the arrival of Senator Max Baucus.

Mr. Speaker appointed Representatives Cocchiarella and Hibbard to escort Senator Baucus into the House Chambers.

Mr. Speaker welcomed Senator Baucus who delivered the following address:

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SIXTY-FOURTH LEGISLATIVE DAY - MARCH 24, 1997

Good afternoon. Mr. Speaker and members of the 55th Legislature, I thank you for inviting me to speak with you today.

And thank you all for your commitment to public service. Whatever your political views, whatever your party, I mean that very sincerely. Representative democracy in our state, and in our nation, depends on the Legislature to set our policies and laws. And a healthy Legislature requires people like you, who care about public life. Who are willing to go out and campaign, knock on doors, listen to your neighbors and take time out to serve.

A CHANCE TO MAKE LIFE BETTER

I remember when Red Menahan and I came to the House--way back, probably five, six years ago now. I was almost in awe of the responsibility that comes with being a constitutional officer, the chance to make life a little better for the people of Montana today and for Montana's children tomorrow.

We have a tradition that on leaving the House, members sign their name in the desk drawer. You'll find my name in desk #64. Another desk has the signature of Bob Brown. A third, Francis Bardanouve. That tradition says, in a small way, that when you serve in the Legislature, you have a chance to leave a mark.

A LUCKY GENERATION

And what sort of mark will we leave? When you think about it, we're pretty lucky to be alive today.

We're at peace. For the first time since the 1930's, our country has no powerful foreign enemy. My parents' generation lived through the Second World War. When I carved my name on the desk, the Soviet Union was aiming nuclear missiles at Great Falls. Today it's gone.

We're relatively prosperous. Our national economy is strong. Science and medicine are advancing at a stunning pace.

Here at home we have low unemployment. Cattle prices are starting to rebound. And our industries are fairly healthy.

And we live in the most beautiful place in the world. Where we know our neighbors. Where farms and small businesses stay in the family for generations. Where community and tradition are strong, from the St. Patrick's Day Parade in Butte to the Bucking Horse Sale in Miles City, to Veterans' Day assemblies and Labor Day family cookouts in every Montana town.

We are lucky people. And as legislators -- as parents -- as Montanans -- our fundamental responsibility is to give the next generation something at least this good.

PROTECTING THE GOOD

What does that mean when we begin to talk about policy?

First, it means protecting the good things we now enjoy.

Making sure future generations have the same right to a decent, secure retirement through Social Security and Medicare that we have and our parents have.

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Preserving and strengthening the family-owned small businesses, farms and ranches that keep us prosperous. Provide jobs. Keep our young people at home. And give our communities continuity across the generations. We have to make sure they are not crippled by unnecessary rules and forms. And we must cut the estate and gift tax to help keep them in the family.

And conserving the natural heritage that makes Montana the "last, best place." The clean air, blue ribbon trout streams and unspoiled lands. The national parks that are the envy of the world. The golden sweep of the Great Plains, and the mountains just a few miles south of here that Merriweather Lewis said: "seem to rise in some places like an amphitheater, one range above another, as they recede from the river, until the most distant and lofty have their tops clad with snow."

SOLVING OUR PROBLEMS

Second, facing up to some problems that have festered too long.

Balancing the federal budget. That will mean some sacrifice in Montana, where we receive about \$1.60 for every dollar we send out in taxes. But it is essential for public trust in government and fair treatment of the young people who have to pay the debt. I think most of us are willing to make that sacrifice.

Reversing a recent rise in drug use among our young people, particularly in small towns and rural areas. And I want to compliment the Legislature for your work on juvenile crime in this session.

Creating more jobs in distressed areas through work like the Economic Development Administration is doing in Libby and on the Fort Peck Reservation.

Reforming the welfare system and making sure able-bodied people work, while preserving a safety net that makes sure all children have health insurance and good nutrition.

ECONOMIC CHALLENGES

And third, preparing our state for the economic challenges of life in a new economy.

Across the country, wages are stagnant while the economy is growing. Computers and industrial robots are making a lot of jobs obsolete, making it harder than ever before for people without a college education to make a living wage.

We in Montana suffer from that, and we have our own special problems. Our low population makes it a little difficult to attract value-added industries. Our agriculture producers and natural resource industries are captive shippers, vulnerable to exploitation by railroads and truckers. Airlines gouge us for tickets.

And cattle ranchers are at the mercy of four packing companies that control the whole North American beef market. So last year when cattle prices plunged to the lowest level in a decade, beef prices stayed right where they were.

The result is, at least compared to the rest of the country, that we've lost some ground. In terms of per capita income we were once 31st in the nation -- we now stand in 46th place.

PREPARING FOR THE FUTURE

We have to turn that around. At the very least, return our state to the rank we had before. Give Montana's kids

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the faith that they can find good jobs that can support a family here at home under the Big Sky.

How can we do it? I think there are three ways.

First, put Montana at the cutting edge of science and technology.

Keep our agricultural research stations open, to help family farms and ranches make their operations more efficient and more able to resist drought and pathogens.

Invest in research programs like the Whirling Disease Center at MSU which help our guides, outfitters and tourist industries.

Use new communications technologies to give all our rural hospitals access to the most advanced diagnostic and treatment resources in the world, as the Deaconess Hospitals did last year in putting the REACH network together.

Ultimately, all this will help create high-wage jobs here in Montana for our young people.

THE NEW HIGHWAY BILL

Second, transportation. This year, a new highway law will bring our highway program into the next century. It will build and upgrade the roads farmers and ranchers need to get their stock and produce to market; that businesses use for delivery and communications; and that families use for vacations, weekends in Yellowstone, trips to the hospital and family visits.

A good bill will make our businesses more efficient, our tourist industry healthier and our farms and ranches more competitive. And as Ranking Member on the Transportation Subcommittee, which will draft the new law, I will test any proposal against four basic criteria:

--First, fairness to Montana. I sincerely thank the Legislature for passing your Resolution requesting a highway funding formula as good for Montana as that in our present law. And I will do my very best to make sure we get it.

--Second, state-of-the-art technology that makes driving easier and safer.

--Third, support for Montana's exporters. Montana exports have shifted from mining products to agriculture, manufacturing and high-tech. These are some of our most promising industries for the future, and our transport policy must help them compete with Canada and our domestic rivals.

--And fourth, don't forget communities. Set aside money for cities and towns to do special things, like the bike paths in Missoula and Billings, which help us improve the quality of life.

EDUCATION

Third and finally, the most important thing of all. That is, education.

The class of 1997 will get its diplomas in less than three months. The graduates of my alma mater, Helena High School, will go on to college. Take entry-level jobs. Join the armed services. Work on the ranch. All very much like we did when I graduated high school. But they will find a very different world.

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These kids will compete for jobs or farm sales not only with the young people from New York and Kansas, but with the kids joining companies in China, Singapore and Japan. With young farmers and ranchers in Australia, Canada and Argentina. It will demand more skills and education than any Montana generation has ever had.

A few years back, if you had no diploma but you had a good old-fashioned work ethic, you could find a job that paid enough to support a family. That's not true anymore.

As computers and robots replace assembly lines, unskilled labor pays less well. And very soon, a person who cannot operate a computer will not just work for low pay, but will be unemployable. So the Class of 1997 needs more computer skills, more math and science ability, more reading comprehension than ever before.

Our state must take education very seriously indeed. And we can't be too proud to accept some help. I've spent a lot of time this year calling up the Defense Department, the Justice Department, other agencies and businesses trying to find computers for our schools. I'm going to deliver some today to the Helena Middle School and C.R. Anderson School over on Knight Street. Tomorrow some more in Great Falls.

And I need your help. Your predecessors in the Legislature chose to turn back Montana's Goals 2000 grant and cut money out of our universities. With respect, I must say that I consider that a mistake. That money could have gone to buy computers for classrooms, books for school libraries. Maybe a raise for some of the lowest-paid teachers and professors in America. And if we make more decisions like that, in twenty years Montana may have fewer jobs and poorer people.

This year, with the offer of a \$500,000 Head Start grant at the Office of Public Instruction, we have a chance to think again. I'm glad to hear the Legislature will probably take the grant.

And I applaud the House's decision last Thursday to add money to our education budget for public schools. I hope and trust that will continue through the next Legislature.

Because there is nothing more important to Montana's future than education. Nothing more important to our standards of living. To our wages. To giving our kids the chance to prosper and raise a family in Montana.

If we don't educate our children as we should, nothing else we do will make much difference.

CONCLUSION

I know some of you may feel differently about this. And it's true that we have some tough issues to address. There are lots of different ways to look at them. Sometimes we may disagree. That's all right -- it's what democracy is all about.

But whatever our views, whatever our disagreements, whatever our parties, ultimately we're all here for the same reason.

We're here because we love Montana. We believe in our people. And we want the best for our children. We know public service is important and we understand the good it can do for our state.

That's why I ran for the Legislature -- to admit the truth, it was back in 1972. It's why I ran for the U. S. Senate last year. And it's why each one of you is here today.

If we remember that, we'll do all right.

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Thank you all for your time. God bless you. And God bless Montana.

REPORTS OF STANDING COMMITTEES

TAXATION (Hibbard, Chairman):

3/24/97

HB 599, introduced bill, be amended as follows:

1. Page 2, line 3.

Strike: "(a)"

Strike: "not"

Insert: "never"

2. Page 2, lines 4 through 9.

Following: "deed"

Insert: ", either individually or jointly,"

Following: "residence" on line 4

Strike: ", " through spouse on line 9

3. Page 4, line 21.

Following: "administered."

Insert: "Except for reporting and remitting of penalties to the department, a financial institution shall administer a first-time home buyer's savings account as a regular deposit. A financial institution is not responsible for the use or applications of funds."

4. Page 4, line 30.

Following: "residence."

Insert: "The burden of proving that a withdrawal from a first-time home buyer's savings account was made for eligible costs is upon the account holder and not upon the account administrator."

5. Page 5, line 8.

Strike: "and"

6. Page 5, line 9.

Following: "department"

Insert: "; and

(e) the account holder is required to forward the 10% penalty on funds withdrawn for other than eligible costs to the department."

And, as amended, do pass. Report adopted.

HB 611, introduced bill, be amended as follows:

1. Page 2, line 20.

Following: "The"

Insert: "portion of the"

2. Page 2, line 21.

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Following: "may"

Insert: ", upon approval of the governing body,"

3. Page 3, line 27.

Following: "The"

Insert: "portion of the"

4. Page 3, line 28.

Following: "may"

Insert: ", upon approval of the council,"

5. Page 4, line 20.

Following: "the"

Insert: "portion of the"

And, as amended, do pass. Report adopted.

HB 612, introduced bill, be amended as follows:

1. Page 1, line 25.

Strike: "are incorporated and"

2. Page 4, lines 23 and 24.

Strike: "January 1, 1997"

Insert: "December 31, 1996"

And, as amended, do pass. Report adopted.

MOTIONS

Representative Grinde moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to SB 61. Motion carried.

Mr. Speaker appointed the following members:

Representative Barnett, Chairman

Representative Krenzler

Representative Keenan

Representative Grinde moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to SB 99. Motion carried.

Mr. Speaker appointed the following members:

Representative Soft, Chairman

Representative McGee

Representative Wyatt

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Representative Grinde moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to SB 256. Motion carried.

Mr. Speaker appointed the following members:

Representative Clark, Chairman
Representative Bergman
Representative Pease

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Tuesday, March 25, 1997. Motion carried.

House adjourned at 2:53 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY**

Helena, Montana
March 25, 1997

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Bitney.

Captain Lewis and the Lewis & Clark Honor Guard from Great Falls led the House Chambers in the Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives Sands, Simpkins, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journal for the sixth-third legislative day, find the same to be correct.

Hayne, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 3/25/97
Correctly printed for second reading: HB 612, HB 611, HB 599, HB 499, SB 343, SB 310.
Correctly enrolled: HB 489, HB 317, HB 224.
Examined by the sponsor and found to be correct: HB 224, HB 317, HB 489, HB 577, HJR 6, HJR 19.
Signed by the Speaker at 3:37 p.m., March 24, 1997: HB 384, HJR 18.
Delivered to the Secretary of State at 9:30 a.m., March 25, 1997: HJR 18.

APPROPRIATIONS (Zook, Chairman): 3/24/97
HJR 24, introduced bill, do pass. Report adopted.

HB 17, introduced bill, be amended as follows: 3/25/97

1. Title, lines 5 through 7.
Following: the second "ACT" on line 5
Strike: remainder of line 5 through "SCHOLARSHIPS" on line 7
Insert: "AUTHORIZING THE BOARD OF REGENTS TO PROVIDE TUITION WAIVERS"
Strike: "SCHOLARSHIP"
Insert: "EDUCATION BENEFIT"
Following: " ;"
Insert: "AMENDING SECTION 20-25-421, MCA;"

2. Page 1, line 16.
Strike: "of \$1.14 million"
Strike: "scholarship"
Insert: "education benefit"

3. Page 1, line 17.
Strike: "approximately \$2 million annually"
Insert: "an economic benefit"

4. Page 1, line 22.

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Strike: "scholarship"
Insert: "education benefit"

5. Page 1, line 27.
Strike: "scholarship"
Insert: "education benefit"

6. Page 1, lines 28 through 30.
Strike: "scholarship" on line 28
Insert: "education benefit"
Following: "may" on line 28
Strike: remainder of line 28 through "1999 to" on line 30
Insert: "recommend tuition waivers for"

7. Page 2, lines 1 through 4.
Strike: "scholarship" on line 1 through "years" on line 4
Insert: "education benefit: (a) must be used within 10 years of the first award"

8. Page 2, line 8.
Strike: "and"

9. Page 2, line 9.
Insert: "(d) may be awarded only to members who, at the time of the award, hold the military grade of:
 (i) officer, grade 1 or 2;
 (ii) warrant officer, grade 1 or 2; or
 (iii) enlisted, grades 1 through 7;
 (e) may not be used for second or subsequent undergraduate degrees or for graduate degrees; and"
Renumber: subsequent subsection

10. Page 2, line 11.
Strike: the first "scholarship"
Insert: "education benefit"
Strike: "a scholarship"
Insert: "an education benefit"

11. Page 2, lines 12 through 16.
Strike: "scholarship" on line 12
Insert: "education benefit"
Following: "that" on line 12
Strike: remainder of line 12 through "(b)" on line 16
Following: "members" on line 16
Strike: "of"
Insert: "assigned to perform"
Strike: "priority units"
Insert: "critical skills"

12. Page 2, lines 23 through 27.
Strike: section 2 in its entirety
Insert: "Section 2. Section 20-25-421, MCA, is amended to read:

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"20-25-421. Charges for tuition -- waivers. The regents may:

- (1) prescribe tuition rates, matriculation charges, and incidental fees for students in institutions under their jurisdiction;
- (2) waive nonresident tuition for selected and approved nonresident students, not to exceed at any unit 2% of the full-time equivalent enrollment at that unit during the preceding year; except that when necessary, tuition may be waived in excess of 2% of unit enrollment for nonresident students who enroll under provisions of any WICHE-sponsored state reciprocal agreements ~~which~~ that provide for the payment, ~~where~~ when required, of the student support fee by the reciprocal state;
- (3) waive resident tuition for students at least 62 years of age;
- (4) waive tuition and fees for:
 - (a) persons of one-fourth Indian blood or more who have been bona fide residents of Montana for at least 1 year prior to enrollment in the Montana university system;
 - (b) persons designated by the department of corrections pursuant to 52-5-112;
 - (c) residents of Montana who served with the armed forces of the United States in any of its wars and who were honorably discharged from military service;
 - (d) children of residents of Montana who served with the armed forces of the United States in any of its wars and who were killed in action or died as a result of injury, disease, or other disability incurred while in the service of the armed forces of the United States; or
 - (e) the spouses or children of residents of Montana who have been declared to be prisoners of war or missing in action;
- (5) waive tuition charges for qualified survivors of Montana firefighters or peace officers killed in the course and scope of employment. For purposes of this subsection, a qualified survivor is a person who meets the entrance requirements at the state university or college of the person's choice and is the surviving spouse or child of any of the following who were killed in the course and scope of employment:
 - (a) a paid or volunteer member of a municipal or rural fire department;
 - (b) a law enforcement officer as defined in 7-32-201; or
 - (c) a full-time highway patrol officer.
- (6) waive tuition for up to 5,000 credits each academic year in accordance with the national guard education benefit program provided for in [section 1]."

And, as amended, do pass. Report adopted.

HB 166, introduced bill, be amended as follows:

1. Title, line 9.

Following: "2-17-105,"

Insert: "7-15-4286, 7-15-4292,"

Strike: "10-2-416,"

Insert: "10-3-312,"

Following: "15-30-153,"

Insert: "15-35-108,"

2. Title, line 10.

Strike: "15-65-121,"

3. Title, line 12.

Following: line 11

Insert: "20-8-111, 20-9-360,"

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Following: "32-1-537,"

Insert: "37-43-204,"

4. Title, line 15.

Following: line 14

Insert: "77-1-505,"

5. Title, line 16.

Strike: "15-65-122, 15-65-131,"

6. Title, line 17.

Following: "DATES"

Insert: "AND A TERMINATION DATE"

7. Page 4, line 28 through page 5, line 5.

Strike: section 3 in its entirety

Insert: "Section 3. Section 7-15-4286, MCA, is amended to read:

"7-15-4286. Procedure to determine and disburse tax increment. (1) Mill rates of taxing bodies for taxes levied after the effective date of the tax increment provision ~~shall~~ must be calculated on the basis of the sum of the taxable value, as shown by the last equalized assessment roll, of all taxable property located outside the urban renewal area or industrial district and the base taxable value of all taxable property located within the urban renewal area or industrial district. The mill rate ~~so~~ determined ~~shall~~ must be levied against the sum of the actual taxable value of all taxable property located within as well as outside the urban renewal area or industrial district.

(2) (a) The tax increment, if any, received in each year from the levy of the combined mill rates of all the affected taxing bodies against the incremental taxable value within the urban renewal area or industrial district, except for the university system mills levied and assessed against property ~~as defined in 7-15-4292(6)(a), shall~~ must be paid into a special fund held by the treasurer of the municipality and used as provided in 7-15-4282 through 7-15-4292.

(b) The balance of the taxes collected in each year ~~shall~~ must be paid to each of the taxing bodies as otherwise provided by law."

Section 4. Section 7-15-4292, MCA, is amended to read:

"7-15-4292. Termination of tax increment financing -- exception--~~reduction in tax increment distribution.~~

(1) The tax increment provision ~~shall terminate~~ terminates upon the later of:

(a) the 15th year following its adoption or, if the tax increment provision was adopted prior to January 1, 1980, upon the 17th year following adoption; or

(b) the payment or provision for payment in full or discharge of all bonds for which the tax increment has been pledged and the interest ~~thereon~~ on the bonds.

(2) Any amounts remaining in the special fund or any reserve fund after termination of the tax increment provision ~~shall~~ must be distributed among the various taxing bodies in proportion to their property tax ~~revenues~~ revenue from the district.

(3) After termination of the tax increment provision, all taxes ~~shall~~ must be levied upon the actual taxable value of the taxable property in the urban renewal area or the industrial district and ~~shall~~ must be paid into the funds of the respective taxing bodies.

(4) Bonds secured in whole or in part by a tax increment provision may not be issued after the 15th anniversary of tax increment provisions adopted after January 1, 1980, and the 17th anniversary of tax increment provisions adopted prior to January 1, 1980. However, if bonds secured by a tax increment provision are outstanding on the applicable anniversary, additional bonds secured by the tax increment

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provision may be issued if the final maturity date of the bonds is not later than the final maturity date of any bonds then outstanding and secured by the tax increment provision.

~~(5) (a) If a municipality issues bonds secured in whole or in part by a tax increment provision after the 10th year following a tax increment provision adopted after January 1, 1980, or after the 12th year following a tax increment provision adopted before January 1, 1980, it is not entitled to the full distribution provided in 20-9-360(2).~~

~~(b) The state treasurer shall reduce the distribution to the municipality in each fiscal year after the fiscal year in which the bonds referred to in subsection (5)(a) are issued by an amount equal to the increased taxable value of the project property multiplied by the total number of mills levied and assessed for school district purposes against the property in the previous calendar year. The department of revenue shall certify to the state treasurer by September 1 of each year the increased taxable value of the project property.~~

~~(c) If the municipality issues more than one bond series after January 1, 1991, the distribution to the municipality as provided in 20-9-360(2) is reduced, as determined in subsection (5)(b), by the sum of the amounts of each bond issue.~~

~~(6) For the purposes of subsection (5):~~

~~(a) "project property" is the value of property within an urban renewal area affected by an urban renewal project to be financed in whole or in part from the proceeds of the bonds issued pursuant to subsection (5)(a), certified by the municipality to the department of revenue at the time the bonds are issued and identified by a tax identification number. Property is affected by an urban renewal project if the property:~~

~~(i) is to be acquired or improved as part of the urban renewal project;~~

~~(ii) is located on property that is to be acquired or improved as part of the urban renewal project;~~

~~(iii) is contiguous to, or located on property contiguous to, property referred to in subsection (6)(a)(i) or (6)(a)(ii), including adjacent property separated by a road, stream, street, or railroad; or~~

~~(iv) is included in an agreement between a person and the municipality in connection with the urban renewal project for the issuance of the bonds and if under the agreement, the person undertakes to develop or redevelop the property.~~

~~(b) "increased taxable value" means the difference between the taxable value of the project property for the current fiscal year and the taxable value of the project property for the fiscal year in which the bonds were issued."~~

"Section 5. Section 10-3-312, MCA, is amended to read:

"10-3-312. Maximum expenditure by governor -- appropriation. (1) (a) Whenever an emergency or disaster is declared by the governor, there is statutorily appropriated to the office of the governor, as provided in 17-7-502, and the governor is authorized to expend from the general fund, an amount not to exceed ~~\$2~~ \$4 million in any biennium, minus any amount appropriated pursuant to 10-3-310 in the same biennium.

(b) Whenever an emergency or disaster due to fire is declared by the governor, there is statutorily appropriated to the office of the governor, as provided in 17-7-502, and the governor is authorized to expend from the general fund, an amount not to exceed \$10 million in any biennium. The amount appropriated in this subsection (b) may be combined with the amount appropriated in subsection (1)(a) for an emergency or disaster due to fire.

(2) In the event of the recovery of money expended under this section, the spending authority must be reinstated to a level reflecting the recovery.

(3) If a disaster is declared by the president of the United States, there is statutorily appropriated to the office of the governor, as provided in 17-7-502, and the governor is authorized to expend from the general fund, an amount not to exceed \$500,000 during the biennium to meet the state's share of the individual and family grant programs as provided in 42 U.S.C. 5178."

Renumber: subsequent sections

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8. Page 8, line 20.

Insert: "Section 10. Section 15-35-108, MCA, is amended to read:

"15-35-108. Disposal of severance taxes. Severance taxes collected under this chapter must, in accordance with the provisions of 15-1-501, be allocated as follows:

(1) Fifty percent of total coal severance tax collections is allocated to the trust fund created by Article IX, section 5, of the Montana constitution. The trust fund money must be deposited in the fund established under 17-6-203(6) and invested by the board of investments as provided by law.

(2) Twelve percent of coal severance tax collections is allocated to the long-range building program account established in 17-7-205.

(3) The amount of 8.36% must be credited to an account in the state special revenue fund to be allocated by the legislature for local impacts, county land planning, provision of basic library services for the residents of all counties through library federations and for payment of the costs of participating in regional and national networking, conservation districts, and the Montana Growth Through Agriculture Act. Expenditures of the allocation may be made only from this account. Money may not be transferred from this account to another account other than the general fund. Any cash balance that is unspent at the end of each fiscal year must be deposited in the general fund.

(4) The amount of 1.27% must be allocated to a nonexpendable trust fund for the purpose of parks acquisition or management. Income from this trust fund must be appropriated for the acquisition, development, operation, and maintenance of any sites and areas described in 23-1-102.

(5) The amount of 0.95% must be allocated to the debt service fund type to the credit of the renewable resource loan debt service fund.

(6) The amount of 0.63% must be allocated to a nonexpendable trust fund for the purpose of protection of works of art in the state capitol and for other cultural and aesthetic projects. Income from this trust fund must be appropriated for protection of works of art in the state capitol and other cultural and aesthetic projects.

(7) All other revenue from severance taxes collected under the provisions of this chapter must be credited to the general fund of the state."

Renumber: subsequent sections

9. Page 13, line 14 through page 14, line 21.

Strike: Section 10 in its entirety

Renumber: subsequent sections

10. Page 18, line 23.

Following: "~~homes~~."

Insert: "(1) The amount of 11.11% of the cigarette tax collected under the provisions of 16-11-111 on each package of cigarettes must be deposited in the state special revenue fund to the credit of the department of public health and human services for the operation and maintenance of state veterans' nursing homes.

(2)"

Renumber: subsequent subsections

11. Page 18, line 24.

Following: "~~remaining~~"

Insert: "remaining"

12. Page 18, line 26.

Strike: "(1)"

Insert: "(a)"

Renumber: subsequent subsection

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13. Page 25, line 27.
Following: "15-65-121;"
Insert: "15-65-121;"

14. Page 25, line 30.
Strike: "20-8-111;"

15. Page 26, line 4.
Following: line 3
Insert: "75-5-1108; 75-6-214;"
Following: "76-12-123;"
Insert: "77-1-505;"

16. Page 28, line 7.
Insert: "Section 31. Section 20-8-111, MCA, is amended to read:

"20-8-111. Duty of board of public education as to property of school. The board of public education ~~has a statutory appropriation, as provided in 17-7-502, and shall, either directly or through a contract with a nonprofit corporation, receive, hold, manage, use, and dispose of real and personal property made over transferred to such the board or to the state of Montana by purchase, gift, devise, or bequest, or otherwise acquired and the proceeds, interest, and income thereof of the property~~ for the use and benefit of said the school for the deaf and blind. All donations, gifts, devises, or grants ~~made before, on, or after October 1, 1983, to the school shall~~ vest in the board or its designee, as trustee for the state of Montana, for the use and benefit of the school and its students."

Section 32. Section 20-9-360, MCA, is amended to read:

"20-9-360. State equalization aid levy. (4) There is a levy of 40 mills imposed by the county commissioners of each county on all taxable property within the state, except property for which a tax or fee is required under 23-2-517, 23-2-803, 61-3-504(2), 61-3-521, 61-3-527, 61-3-537, and 67-3-204. ~~Except as provided in subsection (2), proceeds~~ Proceeds" of the levy must be remitted to the state treasurer and must be deposited to the credit of the state general fund for state equalization aid to the public schools of Montana.

~~(2) For the benefit of each municipality that created an urban renewal area and adopted a tax increment financing provision for the urban renewal area prior to July 1, 1990, the state treasurer shall distribute each fiscal year from the state equalization aid levy to the municipality the amount, if any, equal to the product of the incremental taxable value of the urban renewal area times the reduced school levy for the area, each calculated for the fiscal year. The reduced school levy for a fiscal year is the difference between the aggregate amount of all property tax levies for school purposes in the urban renewal area, expressed in mills, in the fiscal year ended June 30, 1989, and the aggregate amount of all property tax levies for school purposes in the area or the district, expressed in mills, in the fiscal year, including the state equalization aid levy. The state treasurer shall distribute the amounts to municipalities in two equal installments on December 31 and June 30 of the fiscal year."~~

Renumber: subsequent sections

17. Page 29, line 4.
Insert: "Section 35. Section 37-43-204, MCA, is amended to read:

"37-43-204. Earmarked money for board expenses -- expenditure of funds from bonds. (1) All money collected under this chapter must be deposited in the state special revenue fund and may be used only for the purpose of paying expenses of the board. Except for funds received from bonds in subsection (2), the money must be appropriated by the legislature before it may be expended by the board. Income and interest

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from investment of the money in the state special revenue fund that are collected under this chapter must be credited to the board.

(2) The board may accept and expend all funds received from bonds required by 37-43-306. The funds must be used to remedy defects in water wells, to compensate for damages caused by violations of this chapter or the rules of the board, or to pay any administrative costs incurred by the board under 37-43-309, 37-43-310, and 37-43-313. These funds, other than those to pay any administrative costs, are statutorily appropriated as provided in 17-7-502."

Renumber: subsequent sections

18. Page 32, line 23.

Strike: "1.20%"

Insert: "the amount appropriated to the department of revenue for the collection of the old fund liability tax"

19. Page 33, line 29.

Strike: "1.20%"

Insert: "the amount appropriated to the department of revenue for the collection of the old fund liability tax"

20. Page 46, line 7.

Following: "funds"

Insert: "-- statutory appropriation"

21. Page 46, line 8.

Strike: "must be used"

Insert: "is statutorily appropriated, as provided in 17-7-502,"

22. Page 46, line 15.

Following: "funds"

Insert: "-- statutory appropriation"

23. Page 46, line 16.

Strike: "must be used"

Insert: "is statutorily appropriated, as provided in 17-7-502,"

24. Page 47, line 10.

Insert: "Section 60. Section 77-1-505, MCA, is amended to read:

"77-1-505. Warrant for payments to counties. The department of administration shall, before December 1, approve and authorize the issuance of a warrant on the general fund of the state made payable to the county treasurer of the counties shown on the claim for the payment of the state land equalization payment. The payments are statutorily appropriated as provided in 17-7-502."

Renumber: subsequent sections

25. Page 53, line 10.

Strike: "15-65-122, 15-65-131,"

26. Page 53.

Following: line 12

Insert: "NEW SECTION. Section 70. Coordination. If [this act] is passed and approved in a form de-earmarking a percentage of the 9-1-1 emergency telecommunications tax to the general fund and if House Bill No. 210 is passed and approved increasing the 9-1-1 emergency telecommunication tax to 55 cents, then the

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percentage de-earmarked to the general fund in [this act] is 3.53%."

Renumber: subsequent section

27. Page 53, line 14.

Following: "dates"

Insert: "-- termination"

Following: the first "through"

Insert: "3, 5 through"

Strike: "25"

Insert: "27"

Strike: "27"

Insert: "29"

Strike: "62"

Insert: "68"

Strike: "and 63(1)"

Insert: "69(1), and 70"

28. Page 53, line 16.

Strike: "26"

Insert: "28"

Strike: "63(2)"

Insert: "69(2)"

29. Page 53, line 17.

Insert: "(3) [Section 4] is effective on passage and approval and terminates July 1, 1997."

And, as amended, do pass. Report adopted.

HB 169, introduced bill, be amended as follows:

1. Title, line 12.

Following: "15-36-324,"

Insert: "15-36-325,"

2. Page 7, following line 17.

Insert: "Section 5. Section 15-36-325, MCA, is amended to read"15-36-325. Local government severance tax payments for calendar year 1995 production -- distribution of payments -- not subject to I-105 limitations.

(1) The local government severance tax imposed under 15-36-101, as that section read before January 1, 1996, for calendar year 1995 production is due as follows:

(a) for oil and natural gas production occurring in the first calendar quarter of 1995, the tax is due May 31, 1996;

(b) for oil and natural gas production occurring in the second calendar quarter of 1995, the tax is due May 31, 1997;

(c) for oil and natural gas production occurring in the third calendar quarter of 1995, the tax is due May 31, 1998; and

(d) for oil and natural gas production occurring in the fourth calendar quarter of 1995, the tax is due May 31, 1999.

(2) (a) If the taxpayer pays the entire local government severance tax liability for calendar year 1995 on

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or before June 30, 1996, the taxpayer must receive a 6% reduction in the total local government severance tax liability.

(b) Any payment of local government severance taxes for calendar year 1995 made on or before June 30, 1997, does not accrue interest. Any payment of local government severance taxes for calendar year 1995 made after June 30, 1997, must accrue interest at the rate of 1% a month or fraction of a month from July 1, 1997, to the date of payment. Any payment for the third quarter of 1995 received after May 31, 1998, and any payment for the fourth quarter of 1995 received after May 31, 1999, is subject to the late payment penalty provisions in 15-36-311.

(c) In the case of the dissolution of the operator or a change in the operator of any lease or unit, any unpaid local government severance tax for calendar year 1995 becomes due on the date of dissolution or on the date of the change in operator. The operator is subject to the provisions of subsection (2)(a) regarding the 6% tax liability reduction or the provisions of subsection (2)(b) regarding interest and penalties.

(3) The department shall determine the amount of tax collected under subsections (1) and (2) from within each taxing unit.

(4) For purposes of the distribution of local government severance taxes collected under this section, the department shall use the unit value of oil and gas for each taxing unit as determined in 15-36-323.

(5) The local government severance tax must be deposited in the agency state special revenue fund in the state treasury and transferred to the county for distribution as provided in subsection (6).

(6) For the purpose of the distribution of the local government severance tax for calendar year 1995 production, the department shall adjust the unit value determined under this section according to the ratio that the local government severance taxes collected during the quarters for which the distribution occurs plus penalties and interest on delinquent local government severance taxes bears to the total liability for local government severance taxes for the quarters for which the distribution occurs. The taxes must be calculated and distributed as follows:

(a) By July 31 of each of the years 1996, 1997, 1998, and 1999, the department shall calculate and distribute to each eligible county the amount of local government severance tax for calendar year 1995 production, determined by multiplying the unit value, as adjusted in this subsection (6), by the units of production on which the local government severance tax was owed during calendar year 1995 production.

(b) Any amount by which the total tax liability exceeds or is less than the total distributions determined in subsection (6)(a) must be calculated and distributed in the following manner:

(i) The excess amount or shortage must be divided by the total distribution determined for that period to obtain an excess or shortage percentage.

(ii) The excess percentage must be multiplied by the distribution to each taxing unit, and this amount must be added to the distribution to each respective taxing unit.

(iii) The shortage percentage must be multiplied by the distribution to each taxing unit, and this amount must be subtracted from the distribution to each respective taxing unit.

(7) (a) The county treasurer shall distribute the money received under subsection (6) between the county and school taxing units. The distribution between county and school taxing units is the ratio of the number of mills levied for fiscal year 1990 against 1988 production in each taxing unit for the county and schools, including the county equalization levies that were in effect under 20-9-331 and 20-9-333 as those sections read on July 1, 1989, and the university 6-mill levy imposed under 20-25-423, except that a distribution may not be made to a municipal taxing unit or the state equalization aid levy imposed under 20-9-360. Distribution of money for the county equalization levies and the university levy must be remitted to the state by the county treasurer. The amounts distributed under subsections (7)(b) and (7)(c) are for the exclusive use of county and school taxing units.

(b) The county treasurer shall deposit the money from subsection (7)(a) allocated to county levies to the oil and gas tax accelerated fund.

(c) The trustees of a school district may allocate any payment received under subsection (7)(a) to any

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budget fund of the district or to the miscellaneous programs fund established in 20-9-507. The trustees shall direct the county treasurer to deposit the local government severance tax payments under this section to the funds of the district in accordance with the allocations determined by the trustees.

(8) Local government severance tax payments to a county pursuant to this section are not subject to the limitations of Title 15, chapter 10, part 4. Payments of local government severance tax pursuant to this section may not be used for county classification purposes under 7-1-2111 and may not be considered in the determination of bonding limits under 7-7-2101, 7-7-2203, 7-14-2524, and 7-16-2327.

(9) The distribution to taxing units under this section is statutorily appropriated as provided in 17-7-502. ""

Renumber: subsequent sections

3. Page 16, line 3.

Following: "15-36-324;"

Insert: "15-36-325;"

And, as amended, do pass. Report adopted.

HB 177, introduced bill, be amended as follows:

1. Title, line 12.

Following: "÷"

Insert: "ELIMINATING THE REQUIREMENT THAT CERTAIN CANDIDATES REPORT THE RECEIPT OF A CONTRIBUTION OF \$100 OR MORE WITHIN 48 HOURS OF RECEIPT; REVISING THE CLOSING OF THE BOOKS OF A CAMPAIGN; REVISING THE USE OF SURPLUS CAMPAIGN FUNDS;"

2. Title, line 13.

Following: "13-37-226,"

Insert: "13-37-228,"

Strike: "AND"

Following: "13-37-230,"

Insert: "AND 13-37-240,"

3. Page 7, lines 2 and 3.

Following: "~~election~~" on line 2

Strike: remainder of line 2 through the second "ELECTION" on line 3

4. Page 7, line 27.

Insert: "Section 8. Section 13-37-228, MCA, is amended to read:

"13-37-228. Time periods covered by reports. Reports filed under 13-37-225 and 13-37-226 shall be filed to cover the following time periods even though no contributions or expenditures may have been received or made during the period:

(1) The initial report ~~shall~~ must cover all contributions received or expenditures made by a candidate or political committee prior to the time that a person became a candidate or a political committee as defined in 13-1-101 until the fifth day before the date of filing of the appropriate initial report pursuant to subsections (1) through (5) of 13-37-226.

(2) Subsequent periodic reports ~~shall~~ must cover the period of time from the closing of the previous report to 5 days before the date of filing of a report pursuant to 13-37-226(1) through (5).

(3) Closing reports ~~shall~~ must cover the period of time from the last periodic report to the final closing

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of the books of the candidate or political committee. A candidate or political committee shall file a closing report following an election in which ~~he~~ the candidate or a political committee participates whenever all debts and obligations are extinguished and no further contributions or expenditures will be received or made ~~which that~~ relate to the campaign, unless the election is a primary election and the candidate or political committee will participate in the general election.

(4) The filing of a closing report does not require a candidate to close an account. A candidate may keep an account active but may not retain a balance in excess of \$200 in the account."

Renumber: subsequent sections

5. Page 9, line 24.

Insert: "Section 16. Section 13-37-240, MCA, is amended to read:

"13-37-240. Surplus campaign funds. (1) A Subject to 13-37-228(4), a candidate shall dispose of any surplus funds from the candidate's campaign within 120 days after the time of filing the closing campaign report pursuant to 13-37-228. In disposing of the surplus funds, a candidate may not contribute the funds to another campaign, including the candidate's own future campaign, or use the funds for personal benefit. A successful candidate may contribute the funds to a constituent services account that is used to provide services to constituents. The candidate shall provide a supplement to the closing campaign report to the commissioner showing the disposition of any surplus campaign funds.

(2) For purposes of this section, "personal benefit" means a use that will provide a direct or indirect benefit of any kind to the candidate or any member of the candidate's immediate family."

And, as amended, do pass. Report adopted.

HB 281, introduced bill, be amended as follows:

1. Title, line 4.

Following: "APPROPRIATING"

Insert: "TO THE DEPARTMENT OF LABOR AND INDUSTRY"

2. Title, line 10.

Following: "PROGRAMS;"

Insert: "REQUIRING THAT FEES FOR INSPECTIONS BE COMMENSURATE WITH PROGRAM COSTS; AMENDING SECTIONS 50-60-104, 50-60-508, AND 50-60-604, MCA;"

3. Page 1, line 13.

Insert: "Section 4. Section 50-60-104, MCA, is amended to read:

"50-60-104. Inspection fees. The department shall establish a schedule of fees and may collect fees for the inspection of plans and specifications and for the inspection of buildings, factory-built buildings, recreational vehicles, tramways, or any other facility or structure. The fees must be commensurate with the cost of the inspections and with appropriations for other purposes."

Section 5. Section 50-60-508, MCA, is amended to read:

"50-60-508. Permit fees. (1) The department of commerce shall establish permit fees in accordance with the Montana Administrative Procedure Act, and the fees ~~shall~~ must be deposited to the state special revenue fund of the department for use in the administration and enforcement of this part and the Montana state plumbing code and for other purposes as established by law.

(2) For the purpose of 50-60-505 through 50-60-513, a sanitary plumbing outlet on or to which a plumbing fixture or appliance may be set or attached ~~shall~~ must be construed to be a fixture. Fees for reconnection

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and retest of plumbing systems in relocated buildings ~~shall~~ must be based on the number of plumbing fixtures, gas systems, water heaters, and the like involved. The fees established pursuant to this section must be commensurate with the costs of the administration and enforcement of this part and with appropriations for other purposes."

Section 6. Section 50-60-604, MCA, is amended to read:

"50-60-604. Department to make inspections, issue inspection tags, and establish fees. The department of commerce shall make inspections of electrical installations, issue inspection tags for these installations, and establish and charge a reasonable and uniform fee for the inspections, ~~which may not exceed~~. The fee must be commensurate with the expense of providing the inspection and with appropriations for other purposes."

Renumber: subsequent sections

7. Page 1, line 16.

Following: "15-60-604"

Insert: "to the department of labor and industry"

And, as amended, do pass. Report adopted.

HB 298, introduced bill, be amended as follows:

1. Title, line 8.

Strike: "AN IMMEDIATE"

Strike: "DATE"

Insert: "DATES"

2. Page 1, line 7.

Following: "1995;"

Insert: "PROVIDING AN APPROPRIATION;"

3. Page 2, following line 6.

Insert: "NEW SECTION. Section 2. Appropriation. There is appropriated to the department of public health and human services for the 1999 biennium \$80,000 from the federal special revenue fund and \$20,000 from the state special revenue fund for the purpose of funding the health care advisory council. Any matching funds required from the state general fund may be provided from the department's general fund appropriation contained in House Bill No. 2."

Renumber: subsequent sections.

4. Page 2, line 11.

Strike: "date."

Insert: "dates."

5. Page 2, line 11.

Strike: "[This"

Insert: " (1) Except as provided in subsection (2), [this"

6. Page 2, following line 11.

Insert: "(2) [Section 2] is effective July 1, 1997."

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And, as amended, do pass. Report adopted.

HB 398, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "PROVIDING" through "APPROVAL;"

2. Page 1, line 17.

Strike: "(1)"

3. Page 1, line 18.

Strike: "The"

Insert: "When authorized by a vote of two-thirds of the members of each house of the legislature, the"

4. Page 1, line 19.

Following: "may"

Insert: ", as part of the long-range building program,"

5. Page 1, lines 21 through 26.

Following: "." on line 21

Strike: remainder of line 21 through line 26 in its entirety

6. Page 4, line 14.

Strike: "certain projects"

Insert: "project"

7. Page 4, lines 15 and 16.

Following: "for" on line 15

Strike: remainder of line 15 through "(1)" on line 16

8. Page 4, lines 20 through 26.

Strike: subsections (2) and (3) in their entirety

And, as amended, do pass. Report adopted.

HB 500, introduced bill, be amended as follows:

1. Title, line 4.

Following: "PROHIBITING"

Insert: "STATE"

2. Title, line 6.

Following: line 5

Insert: "STATE"

3. Title, line 7.

Strike: "STATUTE"

Insert: "LAW"

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Following: the first ";"

Insert: "PROVIDING FOR THE REVIEW OF COMPLAINTS CONCERNING GOVERNMENT COMPETITION
WITH PRIVATE ENTERPRISE;"

Strike: "AN IMMEDIATE"

4. Title, line 8.

Strike: "DATE"

Insert: "DATES"

5. Page 1, line 27.

Strike: "and 2"

Insert: "through 3"

6. Page 2, line 1.

Following: "district"

Insert: ", "

7. Page 2, line 7.

Following: "(i)"

Insert: "an entity engaged in"

8. Page 2, line 9.

Strike: "a function of"

9. Page 2, line 10.

Strike: "a function of"

Strike: "branches"

Insert: "branch"

10. Page 2, line 16.

Strike: "statute"

Insert: "law"

11. Page 2, lines 18 and 19.

Following: "may"

Insert: "not"

Strike: first "the" on line 18

Insert: "a"

Strike: "county" through "located" on line 19

Insert: "state of Montana"

Following: "violation"

Insert: "unless the complaint has been presented to the legislative audit committee and the committee has rendered
an opinion on the merits of the complaint"

12. Page 2, line 22.

Insert: "NEW SECTION. Section 3. Powers -- duties. (1) The legislative audit committee shall schedule and hold
meetings in the interim between legislative sessions as it considers necessary to determine the extent to
which state government entities are competing with private enterprise in the provision of goods and
services.

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(2) The committee may develop and establish methods to obtain information from both private and governmental sources to determine whether a state government entity has authority to compete with private enterprise in the marketing or provision of goods and services. The methods must include a cost-benefit analysis and documentation of the steps taken by the complainant to resolve the competition complaint with the state agency that is the subject of the complaint.

(3) The committee may render nonbinding opinions on the merits of complaints before it on a case-by-case basis. The committee's opinion is a public record and must be based upon the committee's review and evaluation of information it obtains pursuant to subsection (2). The committee shall render its opinion within 90 days after presentation of a complaint. The time spent by the committee in evaluating a complaint does not toll the limitations period applicable to an action under [section 2].

(4) The committee shall prepare a report of its activities each biennium and deliver the report to the legislature on or before November 15 of the calendar year preceding a legislative session. The report must include the committee's opinions and may include recommendations to the legislature regarding the removal or creation of statutory authority for state government entities to engage in competition with private enterprise."

Renumber: subsequent sections

13. Page 2, line 24.

Following: "of units"

Insert: "-- definitions"

14. Page 3, line 7.

Following: "individuals,"

Insert: "or"

15. Page 3, line 8.

Following: "individuals,"

Insert: "or"

16. Page 3, line 17.

Following: line 16

Insert: "(4) As used in this section:

(a) "development" means applying research to the creation of a product or service and testing that product or service in the marketplace; and

(b) "research" means the investigation of a field of knowledge leading to the discovery of facts and principles."

17. Page 3, line 18.

Strike: "date"

Insert: "dates"

Following: the first "."

Insert: "(1) Except as provided in subsection (2),"

Strike: "This"

Insert: "this"

18. Page 3, line 19.

Insert: "(2) [Section 2] is effective July 1, 1999."

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And, as amended, do pass. Report adopted.

HB 567, introduced bill, be amended as follows:

1. Page 1, lines 11 and 12.

Following: "YEARS;" on line 11

Strike: remainder of line 11 through "APPROPRIATION;" on line 12

2. Page 4, line 19.

Strike: "January 1, 1995"

Insert: "July 1, 1997"

3. Page 5, lines 26 through 28.

Strike: Section 4 in its entirety

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 584, introduced bill, be amended as follows:

1. Title, lines 5 and 6.

Following: "ALLOCATING" on line 5

Strike: remainder of line 5 through "PENALTIES," on line 6

Following: "PROCEEDS"

Strike: ", "

2. Page 1, line 20.

Strike: subsection (c) in its entirety

Renumber: subsequent subsections

3. Page 1, line 26.

Strike: "1997"

Insert: "1999"

4. Page 2, line 2.

Following: "."

Insert: "The funds allocated in subsections (2)(c) and (2)(d) may not be used for administrative expenses."

5. Page 6, line 29.

Strike: "\$1 million"

Insert: "\$825,000"

Strike: "\$1.3"

Insert: "\$1.325"

6. Page 7, line 19.

Strike: "2000"

Insert: "1999"

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And, as amended, do pass. Report adopted.

BUSINESS & LABOR (Simon, Chairman):

3/24/97

HB 598, introduced bill, be amended as follows:

1. Title, line 7.

Strike: "BOARD AND"

2. Title, line 15.

Strike: "37-68-303,"

Strike: "37-69-302, 37-69-306,"

3. Page 2, line 2.

Strike: "boards or"

4. Page 5, lines 1 and 11.

page 9, line 18

page 23, line 25

page 26, lines 18 and 25

page 28, line 14

page 29, line 20

Strike: "board"

Insert: "department"

5. Page 11, line 7.

Strike: "and at a time"

6. Page 11, line 8.

Following: "board"

Insert: "and at a time established by the department by rule"

7. Page 18, lines 23 and 24.

page 30, line 3

Strike: "board"

Insert: "department of commerce"

8. Page 25, line 22 through line 3 on page 26.

Strike: section 49 in its entirety

Renumber: subsequent sections

9. Page 26, line 10.

Strike: "Except as provided in subsection (3), if"

Insert: "If"

10. Page 26, lines 14 through 17.

Strike: subsection (3) in its entirety

Renumber: subsequent subsection

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11. Page 27, line 5 through page 28, line 1.

Strike: sections 52 and 53 in their entirety

Renumber: subsequent sections

12. Page 30, line 7.

Strike: "instruction."

Insert: "instructions. (1)"

13. Page 30, line 8.

Following: "act]"

Strike: "is void"

Insert: "must read as follows: "(b) up to \$44,391 from money deposited in the state special revenue fund pursuant to 37-68-313 and 37-69-308, in proportions determined by the department of commerce. The appropriation may be used only for a half-time administrative support position to be shared by the state electrical board provided for in 2-15-1874 and the state board of plumbers established in 2-15-1875;" "

14. Page 30, line 9.

Insert: "(2) If House Bill No. 396 and [this act] are both passed and approved, then 27-6-206(3) must read as follows:

"(3) The annual surcharge must be paid on or before April 1 of each year. All unpaid assessments bear a late charge fee equal to the judgment rate of interest. The late charge fee is part of the annual surcharge. The panel may collect the annual surcharge by an action at law." "

And, as amended, do pass. Report adopted.

SB 118, be amended as follows:

1. Page 2, line 28.

Strike: "; or"

Insert: "."

2. Page 2, lines 29 and 30.

Strike: subsection (c) in its entirety

3. Page 4, line 5.

Strike: "SYSTEM"

Insert: "systems"

4. Page 4, lines 6 and 7.

Following: "FOOD SERVICE," on line 6

Strike: the remainder of line 6 through "REQUIREMENTS" on line 7

Insert: "rules"

5. Page 4, line 27.

Strike: "will"

Insert: "may"

6. Page 5, line 16.

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Strike: "SPECIAL REQUIREMENTS"

Insert: "Rules"

7. Page 5, line 17.

Strike: "SPECIAL REQUIREMENTS"

Insert: "rules"

And, as amended, be concurred in. Report adopted.

SB 234, be amended as follows:

1. Page 3, following line 9.

Insert: "(7) This section may not be construed to alter or modify any conditions, exclusions, or limitations clearly stated in an insurance policy or certificate delivered or issued for delivery in Montana that are not otherwise inconsistent with the provisions of subsection (4)."

Renumber: subsequent subsection

And, as amended, be concurred in. Report adopted.

SB 375, be amended as follows:

1. Page 1, line 22 through page 2, line 1.

Following: "the first fund"

Strike: remainder of line 22 through "collected" on page 2, line 1

Following: "."

Insert: "The assessment amount is the total amount of paid losses reimbursed from the fund in the preceding calendar year and the expenses of administration less other income. The total assessment amount collected must be allocated among plan No. 1 employers, plan No. 2 insured employers, and plan No. 3, the state fund, based on paid losses for the calendar year preceding the year in which the assessment is collected. The board of investments shall invest the money of the fund, and the investment income must be deposited in the fund."

Renumber: subsequent subsections

2. Page 3, line 1.

Strike: "in"

Insert: "on"

3. Page 3, lines 17 through 19

Following: "."

Strike: remainder of line 17 through "fund." on line 19

4. Page 8, line 10.

Following: "to"

Strike: "insurers"

Insert: "offset the insurer's assessment for the administration fund"

5. Page 8, lines 11 through 22

Strike: line 11 through "39-71-201" on line 22

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Insert: "(1) plan No. 1, \$490,000;
(2) plan No. 2, \$612,500; and
(3) plan No. 3, \$2,397,500"

And, as amended, be concurred in. Report adopted.

SB 181, be amended as follows:

3/25/97

1. Title, lines 10 and 11.

Following: "~~AND~~" on line 10

Insert: "AND"

Following: "MCA"

Strike: the remainder of line 10 through "DATE" on line 11

2. Page 2, line 3.

Strike: "\$10 MILLION"

Insert: "\$500,000"

3. Page 2, line 7.

Strike: "100"

Insert: "50"

4. Page 3, line 30 through page 4, line 1.

Strike: section 3 in its entirety

And, as amended, be concurred in. Report adopted.

SB 304, be concurred in. Report adopted.

SB 316, be concurred in. Report adopted.

SB 331, be concurred in. Report adopted.

SB 349, be amended as follows:

1. Title, lines 6 and 7.

Strike: "ELIMINATING" through "MONEY;"

2. Title, line 19.

Strike: "39-71-303,"

3. Page 3, line 27.

Following: "involvement;"

Strike: "and"

4. Page 3, line 28 through page 4, line 1.

Following: first "to" on line 28

Strike: remainder of line 28 through "determine" on line 29

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Insert: "any insurer that is at risk on a claim, or that is alleged to be at risk in any administrative or judicial proceeding, to determine"

Following: "liability" on line 29

Strike: "and"

Insert: "or for"

Following: "investigation"

Strike: remainder of line 29 through "RELEASED," on page 4, line 1

Insert: ". The department may release information only"

Strike: "AN"

Insert: "the"

5. Page 4, line 2.

Strike: "AT-RISK"

Strike: "1"

Insert: "and"

Strike: "BE"

Insert: "disclose"

6. Page 4, lines 6 and 7.

Following: "FOR"

Strike: remainder of line 6 through "PROCESSING" on line 7

Insert: "determining claim liability or for fraud investigation; and

(c) current and prior claim information to law enforcement agencies for purposes of fraud investigation or prosecution"

7. Page 4, line 28.

Following: "~~an annual~~"

Strike: "a biennial"

Insert: "an annual"

8. Page 5, lines 1 through 7.

Strike: section 4 in its entirety

Renumber: subsequent sections

9. Page 7, line 20.

Strike: "NO"

Insert: "a \$25"

10. Page 7, line 21.

Following: "APPLICATION"

Insert: "renewal"

11. Page 11.

Following: line 12

Strike: subsection (2) in its entirety

Renumber: subsequent subsection

12. Page 16, line 9.

Following: "injury"

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Insert: "; or

(d) except as otherwise provided in this chapter, all other compromise settlements and lump-sum payments agreed to by a claimant and insurer"

And, as amended, be concurred in. Report adopted.

EDUCATION (Ellis, Chairman):

3/24/97

HJR 31, introduced bill, do pass. Report adopted.

JUDICIARY (Clark, Chairman):

3/24/97

SB 167, be concurred in. Report adopted.

SB 341, be concurred in. Report adopted.

HB 163, introduced bill, be amended as follows:

3/25/97

1. Title, line 15.

Following: "40-8-201,"

Strike: "AND"

Following: "40-8-202,"

Insert: "52-2-401, 52-2-402, 52-2-403, 52-2-404, 52-2-405, 52-2-406, AND 52-2-407,"

2. Page 5, line 22.

Strike: "and full"

3. Page 6, line 1.

Strike: "strictly"

4. Page 6, line 5.

Following: "that the"

Insert: "interests of the child outweigh the"

5. Page 6, line 6.

Strike: "the child, and"

Strike: "outweigh the interest of"

Insert: ", and"

6. Page 6, lines 7 and 8.

Following: "mother" on line 7

Strike: remainder of line 7 through "registry" on line 8

7. Page 6, line 12.

Strike: "without notice to"

Insert: "that"

Following: the first "the father"

Strike: remainder of line 12

Insert: "is required to comply"

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8. Page 6, line 13.

Strike: "manifests"

Insert: "manifest"

Strike: "prompt and full"

9. Page 6, lines 17 through 20.

Following: "plan" on line 17.

Strike: remainder of line 17 through "mother" on line 20

Following: "."

Insert: "Birth mothers are encouraged to provide all known information about the birth father of any child for whom an adoption is planned."

10. Page 7, line 27.

Following: "]"

Insert: "and from the district court filing fee pursuant to 25-1-201(1)(q)"

11. Page 8, line 9.

Strike: "in a court proceeding"

12. Page 8, line 22.

Strike: "adoption proceedings"

Insert: "termination of parental rights"

13. Page 8, line 23.

Strike: "an adoption"

Insert: "a"

14. Page 8, line 26.

Strike: "A"

Insert: "In addition to any other notice to which the putative father is entitled, a"

15. Page 8, line 27.

Strike: "adoption"

Following: "involving"

Insert: "termination of parental rights to"

16. Page 9, line 2.

Strike: "A"

Insert: " In addition to any other notice to which the putative father is entitled, a"

Strike: "not"

17. Page 9, line 3.

Strike: "unless"

Insert: "if"

Strike: "strictly"

18. Page 9, lines 6 through 8.

Strike: "is not relieved from the obligation of registering" on line 6

Insert: "and registers"

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Following: "J" on line 6

Strike: remainder of line 6 through "order" on line 7

Insert: "is entitled"

Following: "proceeding" on line 7

Strike: remainder of line 7 through "father" on line 8

19. Page 9, line 10.

Strike: "A"

Insert: "In addition to any other notice to which the putative father is entitled, a"

20. Page 9, line 11.

Strike: "adoption"

Following: "proceedings"

Insert: "to terminate parental rights"

21. Page 9, line 25.

Following: "location of"

Insert: "a possible"

22. Page 10, line 9.

Following: "entitled"

Insert: ", because of registration,"

23. Page 10, line 11.

Following: "than"

Strike: remainder of line 11 through "birth"

Insert: "5 days prior to a hearing to terminate parental rights"

24. Page 11, line 1.

Strike: "under 40-6-107"

25. Page 11, line 2.

Strike: "for purposes of 40-6-107"

26. Page 13, line 13.

Following: "name"

Insert: ", including her maiden name, if known"

27. Page 14, line 21.

Strike: "pursuant to 40-6-116"

28. Page 14, lines 25 through 30.

Following: "Failure" on line 25

Strike: line 25 through "fraud"

Insert: "of agency to post notice"

Following: "." on line 25

Strike: remainder of line 25 through "(3)" on line 30

29. Page 15, line 2.

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Following: "father"

Insert: ", because of registration,"

30. Page 15, line 5.

Strike: "A"

Insert: "Unless a support order has been issued, a"

31. Page 16, lines 1 and 2.

Following: "provided" on line 1

Strike: "a method for absolute"

Following: "rights" on line 1

Strike: remainder of line 1 through "registry" on line 2

32. Page 16, line 5.

Following: "establishing fraud"

Insert: "against the putative father"

33. Page 16, line 12.

Strike: "strictly"

34. Page 16, line 23.

Strike: "most stringent and complete"

35. Page 18, line 9.

Following: "child"

Insert: "or for the child's support"

36. Page 18, line 12.

Strike: "do"

Insert: "does"

37. Page 19, lines 12 and 13.

Following: "child" on line 12

Strike: remainder of line 12 through "mother" on line 13

38. Page 21, line 2.

Strike: "may"

Insert: "must, on request,"

39. Page 23, line 6.

Strike: "must"

Insert: "may"

40. Page 23, line 17.

Following: "terminates"

Insert: ", as provided in [section 44],"

41. Page 23, line 20.

Following: "agency;"

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Insert: "and"

42. Page 23, lines 21 and 22.

Strike: "; and" on line 21 through "adoption" on line 22

43. Page 24, line 25.

Following: "child"

Insert: ", except for the duty to pay support if paternity is established or presumed"

44. Page 25, line 3.

Following: "child"

Insert: "but does not absolve the person of the duty to pay support"

45. Page 25, line 7.

Strike: "strictly"

46. Page 25, line 25.

Strike: "unless the birth mother relies on the right to privacy"

47. Page 26, line 14.

Strike: "22"

Insert: "66"

48. Page 26, line 30 through line 2 of page 27.

Strike: subsection (a) in its entirety

Renumber: subsequent subsections

49. Page 27, line 6.

Following: "failure to"

Insert: "timely"

Strike: "before"

50. Page 27, line 7.

Strike: "the expected date of birth"

51. Page 27, line 8.

Following: ";

Insert: "and"

52. Page 27, line 9.

Strike: subsection (ii) in its entirety

Renumber: subsequent subsection

53. Page 27, line 10.

Strike: "will"

Insert: "may"

54. Page 28, lines 17 and 19.

Strike: "putative or presumed father"

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Insert: "parent"

55. Page 29, line 2.

Strike: "and"

56. Page 29, lines 3 and 25.

Following: "proof of"

Insert: "prior"

57. Page 29, lines 3 and 4.

Strike: "." on line 3

Insert: "; and"

Following: line 3

Insert: "(g) proof of compliance with the Indian Child Welfare Act of 1978 and Interstate Compact on the Placement of Children, if applicable."

58. Page 29, line 24.

Strike: "and"

59. Page 29, lines 25 and 26.

Strike: "." on line 25

Insert: "; and"

Following: line 25

Insert: "(g) proof of compliance with the Indian Child Welfare Act of 1978 and Interstate Compact on the Placement of Children, if applicable."

60. Page 31, line 1.

Following: page 30

Insert: "(c) a person adjudicated, in Montana, to be the father of the child for the purpose of child support;

(d) a person who is recorded on the child's birth certificate as the child's father;

(e) a person who is openly living with the child and the child's mother at the time that the proceeding is initiated or at the time the child was placed in the care of an authorized agency and who is representing to the public that the person is the child's father;"

Renumber: subsequent subsections

61. Page 31, line 5.

Strike: "denial"

Insert: "waiver"

62. Page 31, line 18.

Strike: "father"

Insert: "parents"

63. Page 31, line 19

Strike: "the mother has failed to name"

Following: "father"

Insert: "has not been named"

64. Page 31, lines 19 and 20.

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Strike: "filed" on line 19 through "paternity" on line 20
Insert: "registered with the putative father registry"

65. Page 31, line 20.
Following: "identify"
Strike: "the"
Insert: "any legal"

66. Page 31, line 22.
Following: "conception"
Insert: "and prior to birth"

67. Page 32, line 3.
Strike: "father"
Insert: "parent"

68. Page 32, line 4.
Strike: "the mother has failed to name"
Following: "father"
Insert: "has not been named"

69. Page 32, lines 4 and 5.
Strike: "registered" on line 4 through "registry" on line 5
Insert: "filed notice of intent to claim paternity"

70. Page 32, line 8.
Following: "after conception"
Insert: "and prior to birth"

71. Page 32, line 14.
Following: line 13
Insert: "(3) Proof of service of notice or proof of acknowledgement of service on any person or proof of waiver
by a person legally required to be given notice must be filed with the court."
Renumber: subsequent subsections

72. Page 35, line 4.
Strike: "and"
Insert: "(b) a person has not been adjudicated, in Montana, to be the father of the child for the purpose of child support;
(c) a person has not been recorded on the child's birth certificate as the child's father;
(d) a person is not openly living with the child and the child's mother at the time that the proceeding is initiated or at the time the child was placed in the care of an authorized agency and a person is not representing to the public that the person is the child's father; or"
Renumber: subsequent subsection

73. Page 35, line 7.
Strike: "timely registered with the putative father registry"

74. Page 35, line 15.

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Following: the first "child"

Insert: "since the child's birth or"

75. Page 35, lines 19 and 20.

Strike: "occurring" on line 19 through "birth" on line 20

76. Page 35, lines 21 and 22.

Strike: ", when" on line 21 through "child," on line 22

77. Page 35, line 27.

Strike: "unable"

Insert: "able"

78. Page 37, line 24.

Following: "rights."

Insert: "(1)"

79. Page 37, line 26.

Strike: "(1)"

Insert: "(a)"

Renumber: subsequent subsections

80. Page 38, line 5.

Insert: "(2) A person accepting custody is responsible for the support of the child."

81. Page 42, lines 7 and 8.

Strike: "If" on line 7 through "evaluation." on line 8.

82. Page 42, line 9.

Following: "adoption"

Insert: "and, upon payment by the person evaluated of the cost of the evaluation services, to the person evaluated"

83. Page 42, lines 10 and 11.

Strike: subsection (2) in its entirety

Renumber: subsequent subsections

84. Page 42, line 13.

Strike: "for 2 years"

Following: "."

Insert: "An evaluator who ceases to do business in Montana shall give the evaluator's records to the department for retention."

85. Page 42, line 14.

Following: "evaluator"

Insert: ", except a department evaluator,"

86. Page 43, line 21.

Strike: "Unless a birth mother relies on the right to privacy, a"

Insert: "A"

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87. Page 43, line 22.

Following: "child"

Insert: "and any other person required to receive notice under [section 67]"

88. Page 44, line 23.

Following: "child"

Insert: "and any other person required to receive notice under [section 67]"

89. Page 49, line 25.

Following: "child"

Insert: "and any other person required to receive notice under [section 67]"

90. Page 56, line 4.

Following: "waiver"

Insert: "of notice"

91. Page 56, line 9.

Strike: "may"

Insert: "must"

92. Page 57, line 18.

Strike: "and"

Insert: "or"

93. Page 57, line 24.

Following: ", "

Insert: "then pursuant to [sections 108 and 117],"

94. Page 60, line 13.

Following: "(6)"

Insert: "for a child born in Montana,"

95. Page 61, line 4.

Strike: subsection (2) in its entirety

Renumber: subsequent subsections

96. Page 62, line 19.

Strike: "."

Insert: "; or"

97. Page 62, line 20.

Following: line 19

Insert: "(d) the department's child support enforcement division providing services under 42 U.S.C. 651, et seq."

98. Page 65, lines 12 and 13.

Strike: "the clerk" on line 12 through "adoption" on line 13

Insert: "the department"

99. Page 73, line 13.

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Following: "(1)(q)"

Insert: ", and \$5 of the filing fee must be deposited in the district court fund. If no district court fund exists, fees must be deposited in the general fund for district court operations"

100. Page 81, line 7.

Following: "40-8-201,"

Strike: "and"

Following: "40-8-202,"

Insert: "52-2-401, 52-2-402, 52-2-403, 52-2-404, 52-2-405, 52-2-406, and 52-2-407,"

101. Page 81, line 21.

Strike: "Title 41, chapter 4, and"

Strike: "parts 4 and"

Insert: "part"

102. Page 81, line 25.

Strike: "68"

Insert: "69"

And, as amended, do pass. Report adopted.

SB 270, be amended as follows:

1. Title, line 7.

Following: the second "SECURITIES"

Insert: "FRAUD"

2. Page 1, line 17.

Following: "education"

Insert: "and prevention"

3. Page 1, line 19.

Following: "an"

Insert: "insurance and securities fraud"

4. Page 1, lines 19 and 20.

Strike: "for" on line 19 through "fraud" on line 20

5. Page 1, line 30.

Following: "person"

Insert: "regulated under this title"

6. Page 2, line 8.

Strike: ", in addition to the commissioner,"

7. Page 2, line 20.

Following: "forward"

Insert: "to the commissioner"

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And, as amended, be concurred in. Report adopted.

NATURAL RESOURCES (Knox, Chairman):
SB 97, be amended as follows:

3/24/97

1. Title, line 9.

Following: " ; "

Insert: "REQUIRING A WATER JUDGE TO GIVE PRIORITY OVER OTHER ADJUDICATION ISSUES TO
ISSUES CERTIFIED TO THE DISTRICT COURT BY THE DEPARTMENT;"

2. Title, line 11.

Strike: "85-2-302, "

Insert: "85-2-309, "

3. Page 2, line 15.

Following: "THAT"

Insert: "the portion of"

4. Page 2, line 20.

Following: "1073)"

Insert: ", determining that in the absence of a quantification of existing water rights, the department of natural resources and conservation does not have the authority to issue a permit for a new water application when questions of senior conflicting claims are raised, "

5. Page 2, line 29 through page 3, line 2.

Following: "SUPPLY."

Strike: "THE" through "CONSERVATION." on page 3, line 2.

6. Page 4, lines 8 through 10.

Strike: subsection (6) in its entirety.

Insert: "(6) It is the intent of the legislature that the state, to fulfill its constitutional duties and to exercise its historic powers and responsibilities to its citizens living on and off reservations, comprehensively adjudicate existing water rights and regulate water use within the state. It is further the legislature's intent that the state, to the fullest extent possible, retain and exercise its authority to regulate water use and provide forums for the protection of water rights, including federal non-Indian and Indian water rights, and resolve issues concerning its authority over water rights and permits, both prior to and after the final adjudication of water rights. In furtherance of this legislative intent:

(a) all permits issued are provisional, and it is the intent of the legislature that this status provide enforceable legal protection for existing rights; and

(b) any judicial determination of the state's authority to issue provisional permits on or off reservations should be decided in the appropriate state forum."

7. Page 12, lines 12 through 28.

Strike: Section 6 in its entirety.

Insert: "Section 6. Section 85-2-309, MCA, is amended to read:

"85-2-309. Hearings on objections -- jurisdiction. (1) If the department determines that an objection to an application for a permit or change approval under 85-2-402 states a valid objection, it shall hold a public hearing on the objection within 60 days from the date set by the department for the filing of objections,

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after serving notice of the hearing by certified mail upon the applicant and the objector, unless the department certifies an issue to the district court for determination by a water judge under subsection (2). The department may consolidate hearings if more than one objection is filed to an application. The department shall file in its records proof of the service by affidavit of the department.

(2) (a) At any time prior to commencement or before the conclusion of a hearing as provided in subsection (1), the department may in its discretion certify to the district court all factual and legal issues involving the adjudication or determination of the water rights at issue in the hearing, including but not limited to issues of abandonment, quantification, or relative priority dates. Certified controversies must be given priority by a water judge over all other adjudication matters.

(b) If the department fails to certify an issue as provided in this section after a timely request by a party to the hearing, the department shall include its denial to certify as part of the record of the hearing.

~~(b)(c)~~ Upon determination of the issues certified to it by the department, the court shall remand the matter to the department for further processing of the application under this chapter.

(3) Subsection (2) does not apply in the case of a matter considered at a hearing under this section pursuant to 85-2-316 or 85-2-322."

8. Page 13, line 4.

Following: "chapter."

Insert: "In making a determination under this section, the department may not alter the terms and conditions of an existing water right or an issued certificate, permit, or state water reservation."

9. Page 13, line 7.

Following: "(a)"

Insert: "(i)"

10. Page 13.

Following: line 12

Insert: "(ii) water can reasonably be considered legally available during the period in which the applicant seeks to appropriate, in the amount requested, based on the records of the department and other evidence provided to the department. Legal availability is determined using an analysis involving the following factors:

(A) identification of physical water availability;

(B) identification of existing legal demands on the source of supply throughout the area of potential impact by the proposed use; and

(C) analysis of the evidence on physical water availability and the existing legal demands, including but not limited to a comparison of the physical water supply at the proposed point of diversion with the existing legal demands on the supply of water."

11. Page 13, lines 15 through 19.

Strike: "." on line 15 through "(ii)" on line 19

12. Page 13, line 20.

Strike: " "

Insert: " ; "

13. Page 39, lines 1 through 3.

Strike: Section 22 in its entirety.

Renumber: subsequent sections

14. Page 39.

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Following: line 7

Insert: "NEW SECTION. Section 23. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

Renumber: subsequent sections.

And, as amended, be concurred in. Report adopted.

SB 224, be concurred in. Report adopted.

HB 607, introduced bill, be amended as follows:

3/25/97

1. Page 2, line 3.

Following: "1973"

Insert: "and that the use has continued to the present"

2. Page 2, lines 29 and 30.

Strike: "public school fund provided for in 20-9-601"

Insert: "appropriate trust fund established for receipt of income from the land over which a historic right-of-way is granted"

3. Page 3, line 3.

Strike: subsection (5)(a) in its entirety

Renumber: subsequent subsections

4. Page 3, line 4.

Following: "necessary"

Strike: "for the purposes of subsection (5)(a)"

Insert: ", as negotiated by the department and the applicant"

And, as amended, do pass. Report adopted.

TRANSPORTATION (Anderson, Chairman):

3/25/97

HB 610, introduced bill, be amended as follows:

1. Page 3, line 14.

Strike: "fiscal"

Insert: "finance"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

House amendments to Senate bills concurred in:

3/24/97

SB 2, introduced by Holden

SB 54, introduced by Bowman Shea

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SB 109, introduced by Holden

Senate joint resolutions passed and transmitted to the House for concurrence:

3/24/97

SJR 14, introduced by McCarthy

SJR 16, introduced by Bowman Shea

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 3/24/97

HB 49, introduced by Ellis

HB 101, introduced by Bergsagel

HB 164, introduced by Tuss

HB 190, introduced by Anderson

HB 276, introduced by Kottel

HB 323, introduced by Boharski

HB 389, introduced by Simon

HB 426, introduced by Kottel

HB 444, introduced by Wells

HB 447, introduced by Stovall

HB 538, introduced by Keenan

House bills concurred in and returned to the House:

3/24/97

HB 63, introduced by Harrington

HB 90, introduced by Wiseman

HB 91, introduced by Wiseman

HB 154, introduced by Taylor

HB 159, introduced by Barnhart

HB 341, introduced by Mercer

HB 363, introduced by Anderson

HB 375, introduced by Ryan

HB 412, introduced by Bergman

HB 466, introduced by Barnhart

HB 495, introduced by Mills

HB 532, introduced by Barnett

HB 540, introduced by Orr

MESSAGES FROM THE GOVERNOR

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 24, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 69 sponsored by Representative Hagener et al. on March 24, 1997.

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Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 24, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 197 sponsored by Representative Krenzler et al. on March 24, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 24, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 201 sponsored by Representative Krenzler et al. on March 24, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 24, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 257 sponsored by Representative Kottel on March 24, 1997.

Sincerely,

MARC RACICOT
Governor

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The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 24, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 310 sponsored by Representative Pavlovich et al. on March 24, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 24, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 330 sponsored by Representative Wiseman et al. on March 24, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 24, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 357 sponsored by Representative Wells et al. on March 24, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 24, 1997

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Dear Representative Mercer:

Please be informed that I have signed House Bill 396 sponsored by Representative Grimes et al. on March 24, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 24, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 441 sponsored by Representative Bankhead on March 24, 1997.

Sincerely,

MARC RACICOT
Governor

**FIRST READING AND COMMITMENT
OF BILLS AND RESOLUTIONS**

The following Senate bills were introduced, read first time, and referred to committees:

SJR 14, introduced by McCarthy, Bowman Shea, Benedict, Doherty, Tuss, Simon, Pavlovich, Hertel, Emerson, Crismore, Bohlinger, Thomas, referred to Committee on State Administration.

SJR 16, introduced by Bowman Shea, Baer, Cocchiarella, Estrada, Quilici, Franklin, Pavlovich, Lynch, Mahlum, Nelson, Doherty, Brooke, Bartlett, Wyatt, Stang, Benedict, Waterman, DePratu, McCarthy, Harrington, Christiaens, Squires, Jenkins, Beck, Wilson, Jergeson, Thomas, referred to Committee on Human Services.

MOTIONS

HB 150 - Representative R. Johnson moved HB 150 be taken from the table in the Committee on Business & Labor, printed, and placed on second reading this legislative day. Motion carried. (66-29)

HB 126 - Representative Cobb moved HB 126 be taken from the table in the Committee on Taxation, printed, and placed on second reading the next legislative day. Motion carried. (57-36)

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Grimes in the Chair.

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Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 594 - Representative DeBruycker moved HB 594 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 98

Noes: Grady.

Total 1

Voted Absentee: Sands, Aye.

Excused: Simpkins.

Total 1

Absent or not voting: None.

Total 0

HB 499 - Representative Bohlinger moved HB 499 do pass. Motion carried as follows:

Ayes: Anderson, Bankhead, Barnhart, Beaudry, Bergsagel, Bohlinger, Carey, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Feland, Galvin, Gillan, Grady, Grinde, H.S. Hanson, Harper, Harrington, Heavy Runner, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, McCann, McCulloch, Menahan, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Simon, Simpkins, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 62

Noes: Adams, Ahner, Arnott, Barnett, Bergman, Bitney, Boharski, Brainard, Clark, Curtiss, Ewer, Grimes, Hagener, M. Hanson, Hayne, Hibbard, Jore, Keenan, Marshall, Masolo, McGee, Molnar, Orr, Prouse, Rehbein, Schmidt, Simpson, Sliter, Smith, Soft, Trexler, Tuss, Vick, Wagner, Walters, Wells.
Total 36

Voted Absentee: Sands, Simpkins, Ayes.

Excused: None.

Total 0

Absent or not voting: Bookout, Mills.

Total 2

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SB 223 - Representative Holland moved SB 223 be concurred in.

Representative Simpkins present at this time.

Motion to concur in SB 223 carried as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Simpkins, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 83

Noes: Arnott, Harrington, Heavy Runner, Hurdle, Jore, Keenan, McCann, McGee, Pavlovich, Schmidt, Simon, Simpson, Tropila, Tuss, Wyatt.

Total 15

Voted Absentee: Sands, Aye.

Excused: None.

Total 0

Absent or not voting: Grinde, Sliter.

Total 2

SB 229 - Representative Kasten moved SB 229 be concurred in.

Representative Tash excused at this time.

Motion to concur in SB 229 carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Marshall, Masolo, McCulloch, Menahan, Mood, Ohs, Orr, Pavlovich, Pease, Prouse, Raney, Ream, Rehbein, Rose, Ryan, Sands, Simpkins, Simpson, Soft, Squires, Story, Stovall, Tash, Taylor, Tropila, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 68

Noes: Adams, Arnott, Barnhart, Bergsagel, Boharski, Brainard, Denny, Hagener, Hayne, Hurdle, J. Johnson, Jore, Keenan, Krenzler, Lawson, McGee, Mills, Molnar, Peck, Quilici, Schmidt, Smith, Swanson, Trexler, Tuss, Vick, Wagner, Walters.

Total 28

Voted Absentee: Sands, Tash, Ayes.

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Excused: None.
Total 0

Absent or not voting: Grande, McCann, Simon, Sliter.
Total 4

SB 235 - Representative Ellis moved SB 235 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 91

Noes: Arnott, DeBruycker, Keenan, McCann, Prouse, Vick.
Total 6

Voted Absentee: Sands, Tash, Ayes.

Excused: None.
Total 0

Absent or not voting: Denny, Grinde, Molnar.
Total 3

SB 240 - Representative Grady moved SB 240 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 88

Noes: Adams, Arnott, Bergman, Brainard, Jore, Keenan, Prouse, Vick, Walters.
Total 9

Voted Absentee: Sands, Tash, Ayes.

Excused: None.
Total 0

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Absent or not voting: Boharski, Denny, Molnar.
Total 3

SB 264 - Representative Swanson moved SB 264 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Whitehead, Wiseman, Wyatt, Mr. Speaker.

Total 77

Noes: Adams, Arnott, Bergsagel, Boharski, Brainard, Clark, DeBruycker, Hayne, Jore, Kasten, Keenan, Krenzler, McGee, Orr, Rehbein, Sliter, Smith, Wagner, Walters, Wells, Zook.

Total 21

Voted Absentee: Sands, Tash, Ayes.

Excused: None.

Total 0

Absent or not voting: Molnar, Simpkins.

Total 2

SB 67 - Representative Mercer moved SB 67 be concurred in.

Representative Ewer moved SB 67, second reading copy, be amended as follows (amendment #1):

1. Page 19, line 21.

Following: "A"

Strike: "disabled"

Following: "worker"

Strike: "as defined in 39-71-1011"

2. Page 19, lines 23 and 24.

Following: "(a)"

Insert: "(i)"

Following: "worker"

Strike: line 23 through the first "or"

Insert: "meets the definition of a disabled worker as provided in 39-71-1011; or

(ii) the worker has, as a result of the work-related injury,"

Following: "greater"

Strike: "as" on line 23 through "injury" on line 24

Insert: ", as established by objective medical findings, and has no actual wage loss"

Representative Tash present at this time.

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Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Adams, Jore, Orr, Rehbein, Trexler, Wagner.

Total 6

Voted Absentee: Sands, Aye.

Excused: None.

Total 0

Absent or not voting: Arnott, Bergsagel, Bookout, Curtiss, Devaney.

Total 5

Representative Mercer moved SB 67, second reading copy, be further amended as follows (amendment #2):

1. Title, lines 9 through 11.

Following: "~~FOR~~"

Strike: remainder of line 9 through "COMMITTEE;" on line 11

2. Page 2, line 24.

Following: "~~and~~"

Insert: "WHEREAS, it is the intent of the state compensation insurance fund to assist all Montanans by reducing the unfunded liability of the old fund, terminating the old fund liability tax when the old fund is adequately funded, which is currently estimated to occur as early as June 30, 1999, providing for the payment of dividends to policyholders, and maintaining a viable state compensation insurance fund; and"

3. Page 8, lines 23 and 24.

Following: "~~ADMINISTER~~"

Strike: remainder of line 23 through "ADMINISTER" on line 24

Insert: "'Administer"

4. Page 22, lines 8 through 10.

Following: "functions"

Strike: remainder of line 8 through "1990" on line 10

5. Page 23, lines 15 through 18.

Strike: subsection (11) in its entirety

Renumber: subsequent subsections

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6. Page 25, lines 8 through 10.

Following: "fund"

Strike: remainder of line 8 through "1990" on line 10

7. Page 25, lines 21 through 23.

Strike: subsection (3) in its entirety

8. Page 28, line 13.

Following: "~~and~~"

Insert: "before July 1, 1990, and"

Following: "~~limit~~"

Insert: "-- spending limit"

9. Page 28, line 16.

Following: "~~premiums~~"

Insert: "Premiums paid to the state fund based upon wages payable before July 1, 1990, may be used only to administer and pay claims for injuries resulting from accidents that occurred before July 1, 1990."

10. Page 28, line 22.

Following: "~~that~~"

Insert: "occurred before July 1, 1990, and separately determine the cost of administering and paying claims for injuries resulting from accidents that"

11. Page 28, line 25.

Following: "~~that~~"

Insert: "occurred before July 1, 1990, and claims for injuries resulting from accidents that"

12. Page 28, lines 28 through 30.

Following: "~~1990~~"

Strike: remainder of line 28 through "39-71-2316" on line 30

Insert: "The state fund may not spend more than \$3 million a year to administer claims for injuries resulting from accidents that occurred before July 1, 1990"

13. Page 35, lines 27 through 29.

Following: "2007"

Strike: remainder of line 27 through "39-71-2316" on line 29

Insert: "The state fund shall pay for the cost of administering and paying claims for injuries resulting from accidents that occurred before July 1, 1990, not covered by any other funding source, by borrowing from the reserves accumulated from premiums paid to the state fund, based upon wages payable on or after July 1, 1990, and invested by the board of investments, from time to time, the amount that the state fund determines and that the budget director certifies, as provided in 39-71-2354, will be needed to pay for administering and paying the claims for the ensuing year.

(2) In January of each year, prior to the start of the following fiscal year, the state fund shall forward to the budget director information pertaining to the amount that the state fund will borrow for the ensuing fiscal year to pay for the cost of administering and paying claims for the injuries provided for in subsection (1). In addition, the state fund shall forward to the budget director the schedule of projected liability payments and cash needs on which the amount to be borrowed is based. The schedule must include but is not limited to total projected liability payments, loans and bond debt payments, revenue from the old fund liability tax provided for in 39-71-2503, projected fiscal year end cash, and the projected fiscal year end

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cash for the year 2007"

Renumber: subsequent subsections

14. Page 36, line 5.

Strike: "~~(6)(E)~~"

Insert: "(7)(e)"

15. Page 37, lines 7 and 8.

Following: "CLAIMS"

Strike: remainder of line 7 through "39-71-2316" on line 8

16. Page 37, line 10.

Strike: "~~(6)(B)(I) AND (6)(B)(II)~~"

Insert: "(7)(b)(i) and (7)(b)(ii)"

17. Page 37, line 26.

Strike: "~~(4)~~"

Insert: "(5)"

18. Page 38, line 2.

Strike: "~~(6)(B)~~"

Insert: "(7)(b)"

19. Page 38, line 10.

Strike: "~~(6)(H)~~"

Insert: "(7)(h)"

20. Page 40, lines 15 and 17.

Strike: "~~28~~"

Insert: "29"

21. Page 40, line 18.

Following: "22,"

Insert: "24,"

22. Page 40, line 21.

Strike: "SECTIONS"

Insert: "Section"

Following: "16"

Strike: "AND 24"

Strike: "ARE"

Insert: "is"

Amendment #2 passed as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Grady, Grimes, Grinde, Hagener, M. Hanson, Harper, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Quilici,

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Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Sliter, Soft, Squires, Story, Stovall, Tash, Taylor, Trexler, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 73

Noes: Adams, Arnott, Barnhart, Boharski, Cobb, Curtiss, DeBruycker, Gillan, H.S. Hanson, Harrington, R. Johnson, Jore, Kasten, McCann, Molnar, Orr, Pavlovich, Pease, Peck, Prouse, Simpson, Swanson, Tropila, Tuss, Wagner.
Total 25

Voted Absentee: Sands, Aye.

Excused: None.
Total 0

Absent or not voting: Devaney, Smith.
Total 2

Representative Boharski moved SB 67, second reading copy, be further amended (amendment #3). Motion failed as follows: (32-65)

Motion that SB 67 be concurred in, as amended, carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Ellis, Ewer, Feland, Grady, Grimes, Grinde, M. Hanson, Harper, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, Kitzenberg, Knox, Lawson, Marshall, Masolo, McGee, Mills, Mood, Ohs, Pavlovich, Quilici, Raney, Rehbein, Rose, Ryan, Simon, Simpkins, Sliter, Smith, Story, Stovall, Swanson, Tash, Taylor, Trexler, Wells, Wiseman, Zook, Mr. Speaker.
Total 55

Noes: Adams, Arnott, Barnhart, Boharski, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Dowell, Ellingson, Galvin, Gillan, Hagener, H.S. Hanson, Harrington, Hurdle, R. Johnson, Jore, Kasten, Kottel, Krenzler, McCann, McCulloch, Menahan, Molnar, Orr, Pease, Peck, Prouse, Ream, Sands, Schmidt, Simpson, Soft, Squires, Tropila, Tuss, Vick, Wagner, Walters, Whitehead, Wyatt.
Total 43

Voted Absentee: Sands, No.

Excused: None.
Total 0

Absent or not voting: Devaney, Keenan.
Total 2

HJR 29 - Representative Cocchiarella moved HJR 29 do pass.

Representative Vick moved HJR 29, second reading copy, be amended (amendment #1).

Representative Cocchiarella asked the Chair to rule on the validity of Amendment #1.

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Chairman Grimes ruled the amendment to be out of order.

Motion to pass HJR 29 carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 88

Noes: Adams, Arnott, Bergman, Cobb, Jore, Orr, Rehbein, Vick.
Total 8

Voted Absentee: Sands, Aye.

Excused: None.
Total 0

Absent or not voting: DeBruycker, Kasten, McCann, Molnar.
Total 4

HJR 30 - Representative Ahner moved HJR 30 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 85

Noes: Adams, Arnott, Bergman, Jore, Orr, Rehbein, Simon, Vick.
Total 8

Voted Absentee: Sands, Aye.

Excused: None.
Total 0

Absent or not voting: Dowell, Feland, Keenan, McCann, Menahan, Molnar, Tuss.
Total 7.

SB 116 - Representative Ohs moved consideration of SB 116 be placed at the bottom of the second reading board. Motion carried.

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SB 117 - Representative Heavy Runner moved SB 117 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: Adams, Arnott, Bankhead, Boharski, Jore, Orr, Prouse, Vick, Wagner, Walters.

Total 10

Voted Absentee: Sands, Aye.

Excused: None.

Total 0

Absent or not voting: Molnar, Wells.

Total 2

SB 120 - Representative Sliter moved SB 120 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Molnar, Mood, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Denny, Hayne, Jore, McGee, Mills, Rehbein.

Total 6

Voted Absentee: Sands, Aye.

Excused: None.

Total 0

Absent or not voting: Ohs, Raney, Smith.

Total 3

SB 148 - Representative Pavlovich moved SB 148 be concurred in. Motion carried as follows:

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Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: None.

Total 0

Voted Absentee: Sands, Aye.

Excused: None.

Total 0

Absent or not voting: H.S. Hanson, Simpkins, Trexler, Wiseman.

Total 4

HB 150 - Representative R. Johnson moved consideration of HB 150 be placed at the bottom of the second reading board. Motion carried.

SB 116 - Representative Simon moved SB 116 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

Total 0

Voted Absentee: Sands, Aye.

Excused: None.

Total 0

Absent or not voting: Simpkins, Wells.

Total 2

HB 150 - Representative R. Johnson moved HB 150 do pass.

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Representative R. Johnson moved HB 150, second reading copy, be amended as follows (amendment #1):

1. Title, line 5.

Following: "EMPLOYEES"

Insert: "AND SELF-EMPLOYED PERSONS"

2. Title, line 6.

Following: "PERCENT"

Insert: "AND PROVIDING FOR PHASING OUT THE OLD FUND LIABILITY TAX ON EMPLOYEES AND SELF-EMPLOYED PERSONS BY JULY 1, 2000, AND ON EMPLOYERS BY JULY 1, 2001"

3. Title, line 10.

Following: "FUND;"

Insert: "PROVIDING FOR THE TRANSFER OF \$63.8 MILLION TO THE OLD FUND ACCOUNT; ELIMINATING THE AUTHORITY OF THE STATE FUND TO ADMINISTER OR PAY CLAIMS FOR INJURIES FROM ACCIDENTS OCCURRING BEFORE JULY 1, 1990, EXCEPT PURSUANT TO A CONTRACT AUTHORIZED BY THE DEPARTMENT OF ADMINISTRATION;"

Following: "SECTIONS"

Insert: "15-30-207, 17-7-502, 33-16-1024, 39-71-406, 39-71-116"

Following: "39-71-2321,"

Insert: "39-71-2322,"

4. Title, line 11.

Strike: "39-71-2351,"

5. Title, lines 12 and 13.

Strike: "39-71-2504," on line 12

Following: "MCA;"

Insert: "REPEALING SECTIONS 39-71-2354, 39-71-2355, 39-71-2501, 39-71-2502, 39-71-2503, 39-71-2504, AND 39-71-2506, MCA;"

Strike: the first "AN"

Strike: "DATE AND AN APPLICABILITY DATE"

Insert: "DATES AND TERMINATION DATES"

6. Page 1.

Following: line 15

Insert: "Section 7. Section 15-30-207, MCA, is amended to read:

"15-30-207. Annual statement by employer. (1) ~~Every~~ Each employer shall, on or before February 28 in each year, file with the department a wage and tax statement for each employee in ~~such a form and~~ summarizing ~~such the~~ information ~~as that~~ the department requires, including the total wages paid to the employee during the preceding calendar year or any part ~~thereof~~ of the preceding calendar year and showing the total amount of the federal income tax deducted and withheld from ~~such the~~ wages and the total amount of the tax deducted and withheld ~~therefrom~~ under the provisions of 15-30-201 through 15-30-209 ~~and 39-71-2503~~.

(2) The annual statement filed by an employer with respect to the wage payments reported constitutes full compliance with the requirements of 15-30-301 relating to the duties of information agents, and no additional information return is required with respect to ~~such those~~ wage payments.

(3) In addition to any other penalty provided by law, the failure of an employer to furnish a statement as required by subsection (1) subjects the employer to a penalty of \$5 for each failure, ~~provided that if~~ the

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minimum penalty for failure to file the statements required on or before February 28 of each year ~~shall be~~ is \$50. This penalty may be abated by the department upon a showing of good cause by the employer. The penalty may be collected in the same manner as are other tax debts."

Section 8. Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-9-202; 2-17-105; 2-18-812; 3-5-901; 5-13-403; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-111; 15-23-706; 15-30-195; 15-31-702; 15-37-117; 15-38-202; 15-65-121; 15-70-101; 16-1-404; 16-1-410; 16-1-411; 16-11-308; 17-3-106; 17-3-212; 17-5-404; 17-5-424; 17-5-804; 17-6-101; 17-6-201; 17-7-304; 18-11-112; 19-2-502; 19-6-709; 19-9-1007; 19-17-301; 19-18-512; 19-18-513; 19-18-606; 19-19-205; 19-19-305; 19-19-506; 20-8-107; 20-8-111; 20-9-361; 20-26-1503; 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-631; 23-7-301; 23-7-402; 32-1-537; 37-43-204; 37-51-501; 39-71-503; 39-71-907; 39-71-2321; ~~39-71-2504~~; 44-12-206; 44-13-102; 50-4-623; 50-5-232; 50-40-206; 53-6-150; 53-6-703; 53-24-206; 60-2-220; 67-3-205; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 76-12-123; 80-2-103; 80-2-222; 80-4-416; 81-5-111; 82-11-136; 82-11-161; 85-1-220; 85-20-402; 90-3-301; 90-4-215; 90-6-331; 90-7-220; 90-7-221; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 7, Ch. 567, L. 1991, the inclusion of 19-6-709 terminates upon death of last recipient eligible for supplemental benefit; and pursuant to sec. 7(2), Ch. 29, L. 1995, the inclusion of 15-30-195 terminates July 1, 2001.)"

Section 9. Section 33-16-1024, MCA, is amended to read:

"33-16-1024. Plan No. 3 membership in licensed workers' compensation advisory organization -- reporting requirements. (1) The plan No. 3 insurer under Title 39, chapter 71, part 23, is required to be a member of a licensed workers' compensation advisory organization or a licensed workers' compensation rating organization under Title 33, chapter 16, part 4.

(2) If the plan No. 3 insurer is not a member of the workers' compensation advisory organization designated under 33-16-1023, then, subject to the deviations from the uniform statistical plan, uniform classification system, and uniform experience rating plan that may be approved by the board of directors of the plan No. 3 insurer as provided in 39-71-2316~~(5)~~, the insurer shall:

(a) record and report its workers' compensation experience to the designated advisory organization as required in the uniform statistical plan of the designated workers' compensation advisory organization approved by the commissioner, the uniform classification system, and the uniform experience rating plan that have been filed by the designated advisory organization with and approved by the commissioner; and
(b) use the forms and adhere to the rules that the designated advisory organization develops and files with the commissioner under 33-16-1023."

Section 10. section 39-71-116, MCA, is amended to read:

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"39-71-116. Definitions. Unless the context otherwise requires, words and phrases used in this chapter have the following meanings:

- (1) "Actual wage loss" means that the wages that a worker earns or is qualified to earn after the worker reaches maximum healing are less than the actual wages the worker received at the time of the injury.
- (2) For claims relating to injuries resulting from accidents occurring on or after July 1, 1990, "Administer "administer and pay" includes all actions by the state fund under the Workers' Compensation Act and the Occupational Disease Act of Montana necessary to:
 - (a) investigation, review, and settlement of claims;
 - (b) payment of benefits;
 - (c) setting of reserves;
 - (d) furnishing of services and facilities; and
 - (e) use of actuarial, audit, accounting, vocational rehabilitation, and legal services.
- (3) "Aid or sustenance" means any public or private subsidy made to provide a means of support, maintenance, or subsistence for the recipient.
- (4) "Average weekly wage" means the mean weekly earnings of all employees under covered employment, as defined and established annually by the department. It is established at the nearest whole dollar number and must be adopted by the department prior to July 1 of each year.
- (5) "Beneficiary" means:
 - (a) a surviving spouse living with or legally entitled to be supported by the deceased at the time of injury;
 - (b) an unmarried child under 18 years of age;
 - (c) an unmarried child under 22 years of age who is a full-time student in an accredited school or is enrolled in an accredited apprenticeship program;
 - (d) an invalid child over 18 years of age who is dependent upon the decedent for support at the time of injury;
 - (e) a parent who is dependent upon the decedent for support at the time of the injury if a beneficiary, as defined in subsections (5)(a) through (5)(d), does not exist; and
 - (f) a brother or sister under 18 years of age if dependent upon the decedent for support at the time of the injury but only until the age of 18 years and only when a beneficiary, as defined in subsections (5)(a) through (5)(e), does not exist.
- (6) "Casual employment" means employment not in the usual course of the trade, business, profession, or occupation of the employer.
- (7) "Child" includes a posthumous child, a dependent stepchild, and a child legally adopted prior to the injury.
- (8) "Construction industry" means the major group of general contractors and operative builders, heavy construction (other than building construction) contractors, and special trade contractors, listed in major groups 15 through 17 in the 1987 Standard Industrial Classification Manual. The term does not include office workers, design professionals, salespersons, estimators, or any other related employment that is not directly involved on a regular basis in the provision of physical labor at a construction or renovation site.
- (9) "Days" means calendar days, unless otherwise specified.
- (10) "Department" means the department of labor and industry.
- (11) "Fiscal year" means the period of time between July 1 and the succeeding June 30.
- (12) "Household or domestic employment" means employment of persons other than members of the household for the purpose of tending to the aid and comfort of the employer or members of the employer's family, including but not limited to housecleaning and yard work, but does not include employment beyond the scope of normal household or domestic duties, such as home health care or domiciliary care.
- (13) "Insurer" means an employer bound by compensation plan No. 1, an insurance company transacting business under compensation plan No. 2, or the state fund under compensation plan No. 3.
- (14) "Invalid" means one who is physically or mentally incapacitated.
- (15) "Limited liability company" is as defined in 35-8-102.

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- (16) "Maintenance care" means treatment designed to provide the optimum state of health while minimizing recurrence of the clinical status.
- (17) "Medical stability", "maximum healing", or "maximum medical healing" means a point in the healing process when further material improvement would not be reasonably expected from primary medical treatment.
- (18) "Objective medical findings" means medical evidence, including range of motion, atrophy, muscle strength, muscle spasm, or other diagnostic evidence, substantiated by clinical findings.
- (19) "Order" means any decision, rule, direction, requirement, or standard of the department or any other determination arrived at or decision made by the department.
- (20) "Palliative care" means treatment designed to reduce or ease symptoms without curing the underlying cause of the symptoms.
- (21) "Payroll", "annual payroll", or "annual payroll for the preceding year" means the average annual payroll of the employer for the preceding calendar year or, if the employer has not operated a sufficient or any length of time during the calendar year, 12 times the average monthly payroll for the current year. However, an estimate may be made by the department for any employer starting in business if average payrolls are not available. This estimate must be adjusted by additional payment by the employer or refund by the department, as the case may actually be, on December 31 of the current year. An employer's payroll must be computed by calculating all wages, as defined in 39-71-123, that are paid by an employer.
- (22) "Permanent partial disability" means a physical condition in which a worker, after reaching maximum medical healing:
- (a) has a permanent impairment established by objective medical findings;
 - (b) is able to return to work in some capacity but the permanent impairment impairs the worker's ability to work; and
 - (c) has an actual wage loss as a result of the injury.
- (23) "Permanent total disability" means a physical condition resulting from injury as defined in this chapter, after a worker reaches maximum medical healing, in which a worker does not have a reasonable prospect of physically performing regular employment. Regular employment means work on a recurring basis performed for remuneration in a trade, business, profession, or other occupation in this state. Lack of immediate job openings is not a factor to be considered in determining if a worker is permanently totally disabled.
- (24) The "plant of the employer" includes the place of business of a third person while the employer has access to or control over the place of business for the purpose of carrying on the employer's usual trade, business, or occupation.
- (25) "Primary medical services" means treatment prescribed by a treating physician, for conditions resulting from the injury, necessary for achieving medical stability.
- (26) "Public corporation" means the state or any county, municipal corporation, school district, city, city under a commission form of government or special charter, town, or village.
- (27) "Reasonably safe place to work" means that the place of employment has been made as free from danger to the life or safety of the employee as the nature of the employment will reasonably permit.
- (28) "Reasonably safe tools and appliances" are tools and appliances that are adapted to and that are reasonably safe for use for the particular purpose for which they are furnished.
- (29) (a) "Secondary medical services" means those medical services or appliances that are considered not medically necessary for medical stability. The services and appliances include but are not limited to spas or hot tubs, work hardening, physical restoration programs and other restoration programs designed to address disability and not impairment, or equipment offered by individuals, clinics, groups, hospitals, or rehabilitation facilities.
- (b) (i) As used in this subsection (29), "disability" means a condition in which a worker's ability to engage in gainful employment is diminished as a result of physical restrictions resulting from an injury. The restrictions may be combined with factors, such as the worker's age, education, work history, and other

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factors that affect the worker's ability to engage in gainful employment.

(ii) Disability does not mean a purely medical condition.

(30) "Sole proprietor" means the person who has the exclusive legal right or title to or ownership of a business enterprise.

(31) "Temporary partial disability" means a physical condition resulting from an injury, as defined in 39-71-119, in which a worker, prior to maximum healing:

(a) is temporarily unable to return to the position held at the time of injury because of a medically determined physical restriction;

(b) returns to work in a modified or alternative employment; and

(c) suffers a partial wage loss.

(32) "Temporary service contractor" means a person, firm, association, partnership, limited liability company, or corporation conducting business that hires its own employees and assigns them to clients to fill a work assignment with a finite ending date to support or supplement the client's workforce in situations resulting from employee absences, skill shortages, seasonal workloads, and special assignments and projects.

(33) "Temporary total disability" means a physical condition resulting from an injury, as defined in this chapter, that results in total loss of wages and exists until the injured worker reaches maximum medical healing.

(34) "Temporary worker" means a worker whose services are furnished to another on a part-time or temporary basis to fill a work assignment with a finite ending date to support or supplement a workforce in situations resulting from employee absences, skill shortages, seasonal workloads, and special assignments and projects.

(35) "Treating physician" means a person who is primarily responsible for the treatment of a worker's compensable injury and is:

(a) a physician licensed by the state of Montana under Title 37, chapter 3, and has admitting privileges to practice in one or more hospitals, if any, in the area where the physician is located;

(b) a chiropractor licensed by the state of Montana under Title 37, chapter 12;

(c) a physician assistant-certified licensed by the state of Montana under Title 37, chapter 20, if there is not a physician, as defined in subsection (35)(a), in the area where the physician assistant-certified is located;

(d) an osteopath licensed by the state of Montana under Title 37, chapter 5; or

(e) a dentist licensed by the state of Montana under Title 37, chapter 4.

(36) "Year", unless otherwise specified, means calendar year."

Section 11. Section 39-71-406, MCA, is amended to read:

"39-71-406. Deduction from wages of any part of premium a misdemeanor. It is unlawful for the employer to deduct or obtain any part of any premium required to be paid by this chapter from the wages or earnings of the employer's workers, and the making or attempt to make any such deduction is a misdemeanor. ~~The workers' compensation old fund liability tax under 39-71-2503 is not a premium for the purpose of this section.~~"

Renumber: subsequent sections

12. Page 1, line 26.

Page 2, line 29.

Page 3, line 10.

Page 4, line 25.

Page 5, line 27.

Strike: "15"

Insert: "28"

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13. Page 2, line 4.
Following: "fund."
Insert: "(1)"

14. Page 2, line 6.
Strike: "(1)"
Insert: "(a)"
Renumber: subsequent subsections

15. Page 3.
Following: line 6
Insert: "(2) The state fund shall, no later than June 30, 1998, transfer \$63.8 million to the account created in 39-71-2321 to pay claims for injuries resulting from accidents that occurred before July 1, 1990.

Section 8. Section 39-71-2316, MCA, is amended to read:

"39-71-2316. Powers of state fund. For the purposes of carrying out its functions to administer and pay claims for injuries resulting from accidents occurring on or after July 1, 1990, the state fund may:

- (1) insure any employer for workers' compensation and occupational disease liability as the coverage is required by the laws of this state and, as part of the coverage, provide related employers' liability insurance upon approval of the board;
- (2) sue and be sued;
- (3) except as provided in section 21, Chapter 4, Special Laws of May 1990, enter into contracts relating to the administration of the state fund, including claims management, servicing, and payment;
- (4) collect and disburse money received;
- (5) adopt classifications and charge premiums for the classifications so that the state fund will be neither more nor less than self-supporting. Premium rates for classifications may only be adopted and changed using a process, a procedure, formulas, and factors set forth in rules adopted under Title 2, chapter 4, parts 2 through 4. After the rules have been adopted, the state fund need not follow the rulemaking provisions of Title 2, chapter 4, when changing classifications and premium rates. The contested case rights and provisions of Title 2, chapter 4, do not apply to an employer's classification or premium rate. The state fund is required to belong to a licensed workers' compensation advisory organization or a licensed workers' compensation rating organization under Title 33, chapter 16, part 4, and may use the classifications of employment adopted by the designated workers' compensation advisory organization, as provided in Title 33, chapter 16, part 10, and corresponding rates as a basis for setting its own rates. Except as provided in Title 33, chapter 16, part 10, a workers' compensation advisory organization or a licensed workers' compensation rating organization under Title 33, chapter 16, part 4, or other person may not, without first obtaining the written permission of the employer, use, sell, or distribute an employer's specific payroll or loss information, including but not limited to experience modification factors.
- (6) pay the amounts determined due under a policy of insurance issued by the state fund;
- (7) hire personnel;
- (8) declare dividends if there is an excess of assets over liabilities. However, dividends may not be paid until adequate actuarially determined reserves are set aside. If those reserves have been set aside, money that can be declared as a dividend must be transferred to the account created by 39-71-2321 for claims for injuries resulting from accidents that occurred before July 1, 1990, and used for the purposes of that account. After all claims funded by that account have been paid, dividends may be declared and paid to insureds.
- (9) perform all functions and exercise all powers of a private insurance carrier that are necessary, appropriate, or convenient for the administration of the state fund;
- (10) enter into a contract authorized by the department of administration pursuant to Title 18, chapter 4,

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to administer and pay claims for injuries resulting from accidents that occurred before July 1, 1990. If a contract is approved, the state fund shall, upon request, report to the legislative finance committee."

Renumber: subsequent sections

16. Page 4.

Following: line 9

Insert: "Section 11. Section 39-71-2321, MCA, is amended to read:

"39-71-2321. What to be deposited in state fund -- contract required for administration or payment of claims for accidents occurring before July 1, 1990. (1) (a) All premiums, penalties, recoveries by subrogation, interest earned upon money belonging to the state fund, and securities acquired by or through use of money must be deposited in the state fund. They must be separated into two accounts based upon whether they relate to claims for injuries resulting from accidents that occurred before July 1, 1990, or claims for injuries resulting from accidents that occur on or after that date.

(b) All funds deposited in the state fund are statutorily appropriated as provided in 17-7-502.

(2) ~~The proceeds of bonds issued and loans given to the state fund under 39-71-2354 and 39-71-2355 must be deposited in the account for claims for injuries resulting from accidents that occurred before July 1, 1990. The state fund may not administer or pay claims for injuries resulting from accidents that occurred before July 1, 1990, unless authorized pursuant to a contract entered into under 39-71-2316."~~

Section 12. Section 39-71-2322, MCA, is amended to read:

"39-71-2322. Money in state fund held in trust -- disposition of funds upon repeal of chapter -- exception. ~~The Except~~ as provided in [section 28], the money coming into the state fund must be held in trust for the purpose for which the money was collected. If this chapter is repealed, the money is subject to the disposition provided by the legislature repealing this chapter. In the absence of a legislative provision, distribution must be in accordance with the justice of the matter, due regard being had to obligations of compensation incurred and existing.""

Renumber: subsequent sections

17. Page 5.

Following: line 20

Insert: "Section 16. Section 39-71-2351, MCA, is amended to read:

"39-71-2351. Purpose of separation of state fund liability as of July 1, 1990, and of separate funding of claims before and on or after that date. (1) An unfunded liability exists in the state fund. It has existed since at least the mid-1980s and has grown each year. There have been numerous attempts to solve the problem by legislation and other methods. These attempts have alleviated the problem somewhat, but the problem has not been solved.

(2) The legislature has determined that it is necessary to the public welfare to make workers' compensation insurance available to all employers through the state fund as the insurer of last resort. In making this insurance available, the state fund has incurred the unfunded liability. The legislature has determined that the most cost-effective and efficient way to provide a source of funding for and to ensure payment of the unfunded liability and the best way to administer the unfunded liability is to:

(a) separate the liability of the state fund on the basis of whether a claim is for an injury resulting from an accident that occurred before July 1, 1990, or an accident that occurs on or after that date;

(b) ~~create an old fund liability tax provided for in 39-71-2503 and dedicate the tax money first to the repayment of bonds issued under 39-71-2354 and 39-71-2355 and then to the repayment of loans given under 39-71-2354 and 39-71-2355 and the direct payment of the costs of administering and paying claims for injuries from accidents that occurred before July 1, 1990.~~

(3) The legislature further determines that in order to prevent the creation of a new unfunded liability with respect to claims for injuries for accidents that occur on or after July 1, 1990, certain duties of the state

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fund should be clarified and legislative oversight of the state fund should be increased."

Renumber: subsequent sections

18. Page 6.

Following: line 9

Insert: "Section 18. Section 39-71-2352, MCA, is amended to read:

"39-71-2352. Separate payment structure and sources for claims for injuries resulting from accidents that occurred before July 1, 1990, and on or after July 1, 1990 — ~~spending limit.~~ (1) ~~Premiums paid to the state fund based upon wages payable before July 1, 1990, may be used only to administer and pay claims for injuries resulting from accidents that occurred before July 1, 1990. Except as provided in 39-71-2316 and 39-71-2354, premiums~~ Premiums paid to the state fund based upon wages payable on or after July 1, 1990, may be used only to administer and pay claims for injuries resulting from accidents that occur on or after July 1, 1990.

(2) The state fund shall:

(a) determine the cost of administering and paying claims for injuries resulting from accidents that occurred before July 1, 1990, and separately determine the cost of administering and paying claims for injuries resulting from accidents that occur on or after July 1, 1990;

(b) keep adequate and separate accounts of the costs determined under subsection (2)(a); and

(c) fund administrative expenses and benefit payments for claims for injuries resulting from accidents that occurred before July 1, 1990, and claims for injuries resulting from accidents that occur on or after July 1, 1990, separately from the sources provided by law.

(3) ~~The state fund may not spend more than \$3 million a year to administer claims for injuries resulting from accidents that occurred before July 1, 1990~~ The state fund may not administer or pay claims for injuries resulting from accidents that occurred before July 1, 1990, unless pursuant to a contract entered into under 39-71-2316."

Renumber: subsequent sections

19. Page 7.

Following: line 6

Insert: "Section 20. Section 39-71-2354, mca, is amended to read:

"39-71-2354. Use of old fund liability tax proceeds -- loans -- bonds. (1) Taxes collected under 39-71-2503 may be used only to administer and pay claims for injuries resulting from accidents that occurred before July 1, 1990, ~~including the cost of repaying bonds issued and loan proceeds given under 39-71-2355 and this section.~~ If the state fund legislative finance committee, after consultation with the legislative auditor and the budget director, determines that, for the next 1 or more years following the date of the determination, the tax revenue, together with funds in the account required by 39-71-2321 for claims for injuries resulting from accidents that occurred before July 1, 1990, will be insufficient to administer and pay those claims, the state fund may, through its board of directors, legislative finance committee may request the budget director to certify to the board of investments that additional funding is necessary. If the budget director agrees with the state fund's board of directors that additional funding is necessary, the budget director shall certify to the board of investments the amount that the budget director determines is necessary to administer and pay claims for injuries resulting from accidents that occurred before July 1, 1990. Except as provided in Pursuant to subsection (2), the board of investments shall, at times and in amounts it considers necessary or advisable, finance the amount certified by the budget director by giving the state fund the proceeds of a loan or a bond issue to administer and pay claims for injuries resulting from accidents that occurred before July 1, 1990. Loans must be from reserves accumulated from premiums paid to the state fund based upon wages payable on or after July 1, 1990. The board of investments shall choose the method of financing that is most cost-effective for the state fund. A loan must bear interest at the rate that the board of investments determines the money would earn if invested on

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behalf of the state fund. The board of investments may also, upon request of the board of directors of the state fund, give the state fund the proceeds of a bond issue, to be used to pay off loans made under 39-71-2355 and this section. Bonds for the state fund must be workers' compensation bonds issued under 39-71-2355.

(2) The total amount of loan proceeds given to the state fund plus workers' compensation bonds issued under 39-71-2355, except bonds issued to repay loans as provided for in subsection (1), may not exceed \$220 million. All loan and bond proceeds given to the state fund must be repaid to the board of investments before July 1, 2020. The legislative finance committee may contract for the administration and payment of claims for injuries resulting from accidents occurring before July 1, 1990. Except as authorized under a contract with the legislative finance committee under 39-71-2316, the state fund may not administer or pay claims for injuries resulting from accidents that occurred before July 1, 1990."

Renumber: subsequent sections

20. Page 12.

Following: line 21

Insert: "Section 23. Section 39-71-2503, MCA, is amended to read:

"39-71-2503. Workers' compensation old fund liability tax. (1) (a) There is imposed on each employer, except an employer whose employees are covered by federal workers' compensation legislation, a workers' compensation old fund liability tax in an amount equal to ~~0.28%~~ 0.14%, plus the additional amount of old fund liability tax provided in 39-71-2505, of the wages paid by the employer:

(i) for the preceding payroll period for employers subject to the payment schedule contained in 15-30-204(1);

(ii) for the preceding month for employers subject to the payment schedule contained in 15-30-204(2); and

(iii) for the preceding year for employers subject to the payment schedule contained in 15-30-204(3)(a).

(b) There is imposed on each employee, except an employee who is covered by federal workers' compensation legislation, an old fund liability tax, as provided in 39-71-2505, on the employee's wages. An employer paying wages for services performed in Montana shall deduct and withhold the tax from the wages.

(c) (i) There is imposed on each business of a sole proprietor, on each subchapter S. corporation shareholder, on each partner of a partnership, and on each member or manager of a limited liability company a workers' compensation old fund liability tax, as provided in 39-71-2505, on the profit of each separate business of a sole proprietor and on the distributive share of ordinary income of each shareholder, partner, or member or manager derived from ongoing activities.

(ii) The tax imposed in this subsection (c) applies only to the ordinary income of a shareholder, partner, member, or manager as the term "ordinary income" is defined in the Internal Revenue Code.

(iii) Partners of a publicly traded limited partnership are not subject to the tax imposed in this subsection (c).

(d) A corporate officer of a subchapter S. corporation who receives wages as an employee of the corporation shall pay the old fund liability tax on both the wages and any distributive share of ordinary income at the employee rate. The subchapter S. corporation is not liable for the tax on the corporate officer's wages.

(e) A corporate officer of a closely held corporation who owns stock in a closely held corporation that meets the stock ownership test under section 542(a)(2) of the Internal Revenue Code and receives wages as an employee of the corporation is required to pay the old fund liability tax only on the wages received. The corporation is not liable for the tax on the corporate officer's wages.

(f)(b) This old fund liability tax must be used to reduce the unfunded liability in the state fund incurred for claims for injuries resulting from accidents that occurred before July 1, 1990. If one or more loans or bonds are outstanding, the legislature may not reduce the security for repayment of the outstanding loans or bonds, except that the legislature may forgive payment of a tax or reduce a tax rate for any 12-month

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period if the workers' compensation ~~bond~~ loan repayment account contains on the first day of that period an amount, regardless of the source, that is in excess of the reserve maintained in the account and that is equal to the amount needed to pay and dedicated to the payment of the principal, premium, and interest that must be paid during that period on the outstanding loans or bonds.

~~(g)(c)~~ Each employer shall maintain the records that the department requires concerning the old fund liability tax. The records are subject to inspection by the department and its employees and agents during regular business hours.

~~(h) An employee does not have any right of action against an employer for any money deducted and withheld from the employee's wages and paid to the state in compliance or intended compliance with this section.~~

~~(i) The employer is liable to the state for any amount of old fund liability taxes, plus interest and penalty, when the employer fails to withhold from an employee's wages or fails to remit to the state the old fund liability tax required by this section.~~

~~(j) A sole proprietor, subchapter S. corporation shareholder, partner of a partnership, or member or manager of a limited liability company is liable to the state for the old fund liability tax, plus interest and penalty, when the sole proprietor, shareholder, partner, or member or manager fails to remit to the state the old fund liability tax required by this section.~~

(2) All collections of the tax must be deposited as received in the account. The tax is in addition to any other tax or fee assessed against persons subject to the tax.

(3) ~~(a)~~ Tax payments and returns required by subsection (1)(a) ~~and (1)(b)~~ must be made pursuant to 15-30-204. The department shall first credit a payment to the liability under 15-30-202 and credit any remainder to the account provided for in 39-71-2504.

~~(b) Tax payments due from sole proprietors, subchapter S. corporation shareholders, partners of partnerships, and members or managers of limited liability companies must be made with and at the same time as the returns filed pursuant to 15-30-144 and 15-30-241. The department shall first credit a payment to the liability under 15-30-103 or 15-30-202 and shall then credit any remainder to the account provided for in 39-71-2504.~~

(4) An employer's officer or employee with the duty to collect, account for, and pay to the department the amounts due under this section who fails to pay an amount is liable to the state for the unpaid amount and any penalty and interest relating to that amount.

(5) Returns and remittances under subsection (3) and any information obtained by the department during an audit are subject to the provisions of 15-30-303, but the department may disclose the information to the department of labor and industry for the purpose of investigation and prevention of noncompliance, tax evasion, fraud, and abuse under the unemployment insurance laws, under circumstances and conditions that ensure the continued confidentiality of the information.

(6) The department of labor and industry and the state fund shall give the department a list of all employers having coverage under any plan administered or regulated by the department of labor and industry and the state fund. The department of labor and industry and the state fund shall update the lists weekly. The department of labor and industry and the state fund shall provide the department with access to their computer data bases and paper files and records for the purpose of the department's administration of the tax imposed by this section.

(7) The provisions of Title 15, chapter 30, that are not in conflict with the provisions of this part regarding administration, remedies, enforcement, collections, hearings, interest, deficiency assessments, credits for overpayment, statute of limitations, penalties, estimated taxes, and department rulemaking authority apply to the tax, to employers, ~~to employees, to sole proprietors, to subchapter S. corporation shareholders, to partners of partnerships, to members or managers of limited liability companies, and to the department.~~""

Renumber: subsequent sections

21. Page 12, line 23 through page 13, line 5.

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Strike: section 13 in its entirety
Renumber: subsequent sections

22. Page 13, line 28.

Strike: "0.1%"

Insert: "0.15%"

23. Page 14.

Following: line 20

Insert: "Section 26. Section 39-71-2505, MCA, is amended to read:

"39-71-2505. Payment of unfunded liability for injuries resulting from accidents occurring before July 1, 1990. (1) The state fund shall pay for the cost of administering and paying claims for injuries resulting from accidents that occurred before July 1, 1990, not covered by any other funding source, by borrowing from the reserves accumulated from premiums paid to the state fund, based upon wages payable on or after July 1, 1990, and invested by the board of investments, from time to time, the amount that the state fund determines and that the budget director certifies, as provided in 39-71-2354, will be needed to pay for administering and paying the claims for the ensuing year.

(2) (a) In January of each year, prior to the start of the following fiscal year, the state fund shall forward to the budget director information pertaining to the amount that the state fund will borrow for the ensuing fiscal year to pay for the cost of administering and paying claims for the injuries provided for in subsection (1). In addition, the state fund shall forward to the budget director the schedule of projected liability payments and cash needs on which the amount to be borrowed is based. The schedule must include but is not limited to total projected liability payments, loans and bond debt payments, revenue from the old fund liability tax provided for in 39-71-2503, projected fiscal yearend cash, and the projected fiscal yearend cash for the year ~~2007~~ 2001.

(b) (i) There is imposed on each employer a workers' compensation old fund liability tax as provided in 39-71-2503. The employer old fund liability tax is an amount equal to ~~0.5%~~ 0.25% of the employer's payroll in the preceding calendar quarter.

(ii) The employee old fund liability tax is an amount equal to ~~0.2%~~ 0.1% of the employee's wages in the preceding calendar quarter.

(iii) The old fund liability tax is an amount equal to ~~0.2%~~ 0.1% on the profit of each separate business of a sole proprietor and on the distributive share of ordinary income of each subchapter S. corporation shareholder, partner of a partnership, or member or manager of a limited liability company.

(iv) The rate of the employer old fund liability tax determined by this section includes the ~~0.28%~~ 0.14% employer old fund liability tax provided for in 39-71-2503.

(v) ~~(A)~~ The employer old fund liability tax that is in excess of the ~~0.28%~~ 0.14% tax provided for in 39-71-2503 terminates at the end of fiscal year 2007.

~~(B) If the debt service account has sufficient funds to pay outstanding bonds or if no bonds are outstanding, the old fund liability tax may not be imposed after the end of fiscal year 2007.~~

(vi) The old fund liability tax described in this section must be collected and deposited as provided in 39-71-2503 ~~and 39-71-2504~~.

(3) If in any January the cumulative projected amount to be borrowed by the state fund from reserves accumulated from premiums paid to the state fund based on wages payable on or after July 1, 1990, to administer and pay claims for injuries resulting from accidents that occurred before July 1, 1990, not including any outstanding bonds as of May 13, 1993, exceeds \$80 million for the following fiscal year, the tax rate on the persons subject to the old fund liability tax must be increased by 0.05% for the following fiscal year over the current tax rate. If in any January the projected fiscal yearend cash balance for the current fiscal year exceeds \$25 million, the tax rate on the persons subject to the old fund liability tax must be reduced by 0.05% from the current tax rate for the following fiscal year.

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- (4) The total tax on the persons subject to the old fund liability tax may not exceed 0.75%.
- (5) The budget director shall certify the cash flow projections of the state fund required by this section and shall notify the department of revenue no later than April 1 of the rate of tax to be collected pursuant to this section."

Section 27. Section 39-71-2505, MCA, is amended to read:

"39-71-2505. Payment of unfunded liability for injuries resulting from accidents occurring before July 1, 1990. (1) The state fund shall pay for the cost of administering and paying claims for injuries resulting from accidents that occurred before July 1, 1990, not covered by any other funding source, by borrowing from the reserves accumulated from premiums paid to the state fund, based upon wages payable on or after July 1, 1990, and invested by the board of investments, from time to time, the amount that the state fund determines and that the budget director certifies, as provided in 39-71-2354, will be needed to pay for administering and paying the claims for the ensuing year.

(2) (a) In January of each year, prior to the start of the following fiscal year, the state fund shall forward to the budget director information pertaining to the amount that the state fund will borrow for the ensuing fiscal year to pay for the cost of administering and paying claims for the injuries provided for in subsection (1). In addition, the state fund shall forward to the budget director the schedule of projected liability payments and cash needs on which the amount to be borrowed is based. The schedule must include but is not limited to total projected liability payments, loans and bond debt payments, revenue from the old fund liability tax provided for in 39-71-2503, projected fiscal yearend cash, and the projected fiscal yearend cash for the year ~~2007~~ 2001.

(b) (i) There is imposed on each employer a workers' compensation old fund liability tax as provided in 39-71-2503. The employer old fund liability tax is an amount equal to ~~0.5%~~ 0.25% of the employer's payroll in the preceding calendar quarter.

~~(ii) The employee old fund liability tax is an amount equal to 0.2% of the employee's wages in the preceding calendar quarter.~~

~~(iii) The old fund liability tax is an amount equal to 0.2% on the profit of each separate business of a sole proprietor and on the distributive share of ordinary income of each subchapter S corporation shareholder, partner of a partnership, or member or manager of a limited liability company.~~

~~(iv)(ii) The rate of the employer old fund liability tax determined by this section includes the 0.28%~~ 0.14% employer old fund liability tax provided for in 39-71-2503.

~~(v)(iii) (A) The employer old fund liability tax that is in excess of the 0.28%~~ 0.14% tax provided for in 39-71-2503 terminates at the end of fiscal year ~~2007~~ 2001.

~~(B) If the debt service account has sufficient funds to pay outstanding bonds or if no bonds are outstanding, the old fund liability tax may not be imposed after the end of fiscal year 2007.~~

~~(vi)(iv) The old fund liability tax described in this section must be collected and deposited as provided in 39-71-2503 and 39-71-2504.~~

(3) If in any January the cumulative projected amount to be borrowed by the state fund from reserves accumulated from premiums paid to the state fund based on wages payable on or after July 1, 1990, to administer and pay claims for injuries resulting from accidents that occurred before July 1, 1990, not including any outstanding bonds as of May 13, 1993, exceeds \$80 million for the following fiscal year, the tax rate on the persons subject to the old fund liability tax must be increased by 0.05% for the following fiscal year over the current tax rate. If in any January the projected fiscal yearend cash balance for the current fiscal year exceeds \$25 million, the tax rate on the persons subject to the old fund liability tax must be reduced by 0.05% from the current tax rate for the following fiscal year.

(4) The total tax on the persons subject to the old fund liability tax may not exceed 0.75%.

(5) The budget director shall certify the cash flow projections of the state fund required by this section and shall notify the department of revenue no later than April 1 of the rate of tax to be collected pursuant to this section."

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Renumber: subsequent sections

24. Page 15.

Following: line 7

Insert: "NEW SECTION. Section 29. Transfer of funds. The balance remaining in the workers' compensation bond repayment account on June 30, 1997, must be deposited in the state fund as provided in 39-71-2321.

NEW SECTION. Section 30. Repealer. (1) Section 39-71-2504, MCA, is repealed.

(2) Sections 39-71-2354, 39-71-2355, 39-71-2501, 39-71-2502, 39-71-2503, 39-71-2505, and 39-71-2506, MCA, are repealed."

25. Page 15, lines 9 and 10.

Following: "date"

Strike: "-- applicability"

Strike: "[This act] is" on line 9

Insert: "[Sections 3, 6, 7, 9 and 10, 12 through 15, 17, 19, 21 through 23, 25, and 29]" are"

Following: "(2)"

Strike: remainder of line 28

Insert: "[Sections 2, 28, 30(1), and 32, and this section] are effective on passage and approval.

(3) [Sections 4, 8, 11, 18, 20 and 27] are effective July 1, 1998.

(4) [Section 26] is effective January 1, 1998.

(5) [Sections 1, 5, and 24] are effective July 1, 2000.

(6) [Sections 16 and 30(2)] are effective July 1, 2001."

26. Page 15.

Following: line 10

Insert: "NEW SECTION. Section 32. Termination. (1) [Sections 7, 10, 17, 19, and 26] terminate June 30, 1998.

(2) [Section 25] terminates December 31, 1997.

(3) [Section 15] terminates June 30, 2,000."

Amendment #1 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Bankhead, Grimes, Lawson, Wells.

Total 4

Excused: Sands.

Total 1

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Absent or not voting: Brainard, Ellis.
Total 2

Motion that HB 150 do pass, as amended, carried as follows:

Ayes: Adams, Ahner, Barnett, Barnhart, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Galvin, Gillan, Hagener, H.S. Hanson, Harper, Harrington, Heavy Runner, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kottel, Krenzler, Marshall, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Orr, Pavlovich, Pease, Peck, Prouse, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simpson, Smith, Soft, Squires, Swanson, Tropila, Tuss, Vick, Wagner, Whitehead, Wyatt.
Total 63

Noes: Anderson, Arnott, Bankhead, Beaudry, Bergman, Bergsagel, Ellis, Ewer, Feland, Grady, Grimes, Grinde, M. Hanson, Hayne, Hibbard, Kitzenberg, Knox, Lawson, Masolo, Mood, Ohs, Quilici, Rehbein, Simon, Simpkins, Sliter, Story, Stovall, Tash, Taylor, Trexler, Walters, Wells, Wiseman, Zook, Mr. Speaker.
Total 36

Voted Absentee: Sands, Aye.

Excused: None.
Total 0

Absent or not voting: Brainard.
Total 1

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Grimes moved that the Committee of the Whole report be adopted. Report adopted. (92-3)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 5 passed as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Clark, Cocchiarella, Curtiss, Denny, Devaney, Ellis, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Kitzenberg, Knox, Marshall, Masolo, McCann, Mills, Mood, Ohs, Pavlovich, Quilici, Rose, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Wiseman, Zook, Mr. Speaker.
Total 51

Noes: Adams, Arnott, Barnhart, Boharski, Brainard, Carey, Cobb, DeBruycker, Dowell, Ellingson, Ewer, Feland, Galvin, Gillan, Hagener, Harper, Harrington, Hurdle, Jore, Kasten, Keenan, Kottel, Krenzler, Lawson, McCulloch, McGee, Menahan, Molnar, Orr, Pease, Peck, Prouse, Raney, Ream, Rehbein, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wyatt.

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Total 49

Voted Absentee: Sands, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 14 failed as follows (due to 2/3 vote requirement):

Ayes: Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Clark, Curtiss, Denny, Devaney, Ellingson, Ellis, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Quilici, Rose, Ryan, Schmidt, Simon, Simpkins, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 65

Noes: Adams, Arnott, Barnhart, Boharski, Brainard, Carey, Cobb, Cocchiarella, DeBruycker, Dowell, Ewer, Feland, Grinde, Harper, Heavy Runner, Jore, Kasten, Keenan, McCann, Molnar, Orr, Peck, Prouse, Raney, Ream, Rehbein, Sands, Simpson, Sliter, Tuss, Vick, Wagner, Walters, Wyatt.

Total 34

Voted Absentee: Sands, No.

Excused: None.

Total 0

Absent or not voting: Taylor.

Total 1

HB 188 passed as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Quilici, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 80

Noes: Adams, Arnott, Bankhead, Boharski, Curtiss, DeBruycker, Feland, Jore, McCann, Molnar, Orr, Peck, Prouse, Raney, Rehbein, Simpson, Vick, Wagner, Walters, Wyatt.

Total 20

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Voted Absentee: Sands, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

MOTIONS

HB 14 - Representative Grinde moved the House reconsider its action on HB 14 taken on third reading this legislative day. Motion carried.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 14 failed as follows (due to 2/3 vote requirement):

Ayes: Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Clark, Cocchiarella, Curtiss, Denny, Devaney, Ellis, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Quilici, Rose, Ryan, Simon, Simpkins, Smith, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 66

Noes: Adams, Arnott, Barnhart, Boharski, Brainard, Carey, Cobb, DeBruycker, Dowell, Ellingson, Ewer, Feland, Harper, Heavy Runner, Jore, Kasten, Keenan, Molnar, Orr, Peck, Prouse, Raney, Ream, Rehbein, Schmidt, Simpson, Sliter, Squires, Tuss, Vick, Wagner, Walters, Wyatt.

Total 33

Excused: Sands.

Total 1

Absent or not voting: None.

Total 0

MOTIONS

HB 14 - Representative Grinde moved the House reconsider its action on HB 14 taken on third reading this legislative day. Motion carried.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

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HB 14 passed as follows:

Ayes: Anderson, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bohlinger, Bookout, Clark, Cocchiarella, Curtiss, Denny, Devaney, Ellis, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Rose, Ryan, Schmidt, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 68

Noes: Adams, Ahner, Arnott, Barnhart, Bitney, Boharski, Brainard, Carey, Cobb, DeBruycker, Dowell, Ellingson, Ewer, Harper, Heavy Runner, Jore, Kasten, Keenan, Molnar, Orr, Prouse, Raney, Ream, Rehbein, Sands, Simpson, Squires, Tuss, Vick, Wagner, Walters, Wyatt.

Total 32

Voted Absentee: Sands, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

MOTIONS

HB 5 - Representative Ewer moved the House reconsider its action on HB 5 taken on third reading this legislative day. Motion failed. (37-62)

SB 117 - Representative Kitzenberg moved he be allowed to change his vote on SB 117, second reading, from abstain to aye. Motion carried.

Representative Grinde moved the conference committee on **SB 61** be dissolved so a free conference committee could be appointed. Motion carried.

Representative Grinde moved the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on Senate amendments to **SB 61**. Motion carried.

Mr. Speaker appointed the following members:

Representative Barnett, Chairman
Representative Krenzler
Representative Keenan

HB 163 - Representative Menahan moved Representative J. Johnson be listed as the primary sponsor on HB 163. Motion carried.

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ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 8:00 a.m., Wednesday, March 26, 1997. Motion carried.

House adjourned at 5:09 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

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Helena, Montana
March 26, 1997

House Chambers
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Hayne. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 3/26/97
Correctly printed for second reading: SB 349, SB 181, SB 270, SB 375, SB 234, SB 118, SB 97, SB 341, SB 331, SB 316, SB 304, SB 224, SB 167, HJR 31, HJR 24, HB 610, HB 607, HB 598, HB 584, HB 567, HB 500, HB 398, HB 163, HB 169, HB 166, HB 17, HB 177, HB 281, HB 298.
Correctly engrossed for third reading: HB 150, SB 67, SB 264, SB 240, SB 235, SB 229, SB 223, SB 148, SB 120, SB 116, SB 117, HB 594, HB 499, HJR 30, HJR 29.
Correctly enrolled: HB 319, HB 322, HB 63, HB 90, HB 91, HB 154, HB 159, HB 341, HB 363, HB 375, HB 412, HB 466, HB 495, HB 532, HB 540.
Examined by the sponsor and found to be correct: HB 63, HB 90, HB 91, HB 154, HB 319, HB 322, HB 341, HB 363, HB 375, HB 412, HB 495, HB 532, HB 540.
Signed by the Speaker at 7:40 a.m., March 26, 1997: HB 317, HB 577, HB 224, HB 489, HJR 6, HJR 19.
Signed by the Speaker at 6:46 p.m., March 26, 1997: HB 532, HB 341, HB 63, HB 495, HB 90, HB 91, HB 363, HB 375, HB 154, HB 319, HB 322, HB 412, HB 540.

JUDICIARY (Clark, Chairman): 3/26/97
SB 308, be concurred in. Report adopted.

HUMAN SERVICES (Grimes, Chairman): 3/25/97
SB 297, be amended as follows:

1. Title, line 5.
Strike: "AN AUTOPSY"
Insert: "A SUDDEN INFANT DEATH SYNDROME CAUSE OF DEATH"

2. Page 1, lines 19 through 22.
Strike: "Autopsy" on line 19
Insert: "Cause of death -- sudden infant death syndrome"
Following: "." on line 19
Strike: remainder of line 19 through "(2)" on line 22

And, as amended, be concurred in. Report adopted.

SB 324, be amended as follows: 3/26/97

1. Title, line 12.
Strike: "AND"
Following: "33-31-111,"
Insert: "AND 33-35-306,"

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2. Page 1, line 26.

Strike: "ASSOCIATION"

Insert: "arrangement"

3. Page 4.

Following: line 19

Insert: "Section 7. Section 33-35-306, MCA, is amended to read:

"33-35-306. Application of insurance code to arrangements. (1) In addition to this chapter, self-funded multiple employer welfare arrangements are subject to the following provisions of Title 33:

(a) Title 33, chapter 1, part 4, but the examination of a self-funded multiple employer welfare arrangement is limited to those matters to which the arrangement is subject to regulation under this chapter;

(b) Title 33, chapter 1, part 7;

(c) 33-3-308; ~~and~~

(d) Title 33, chapter 18, except 33-18-242; and

(e) [sections 1 and 2].

(2) Except as provided in this chapter, other provisions of Title 33 do not apply to a self-funded multiple employer welfare arrangement that has been issued a certificate of authority that has not been revoked."

Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

SB 381, be amended as follows:

1. Title, line 5.

Strike: "AND FREEDOM OF CHOICE OF PRACTITIONER PROVISIONS"

2. Page 1, lines 23 and 24.

Page 2, lines 8 and 9.

Strike: "any category of licensed health care practitioner and"

3. Page 2, line 10.

Strike: "an individual"

Insert: "a group"

And, as amended, be concurred in. Report adopted.

TRANSPORTATION (Anderson, Chairman):

SB 188, be concurred in. Report adopted.

3/25/97

SB 252, be concurred in. Report adopted.

SB 257, be concurred in. Report adopted.

SB 265, be concurred in. Report adopted.

SB 282, be concurred in. Report adopted.

SB 335, be concurred in. Report adopted.

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SJR 9, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

Senate bill passed and transmitted to the House for concurrence:

3/25/97

SB 394, introduced by Holden

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 3/25/97

HB 99, introduced by Trexler

HB 339, introduced by Carey

House bills concurred in and returned to the House:

3/25/97

HB 319, introduced by Gillan

HB 322, introduced by McCulloch

**FIRST READING AND COMMITMENT
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

HB 549, introduced by Bergsagel, referred to Committee on Appropriations.

HJR 32, introduced by Peck, Boharski, Harrington, Ellis, Kitzenberg, McCann, Simpkins, referred to Committee on Appropriations.

The following Senate bills were introduced, read first time, and referred to committees:

SB 390, introduced by Thomas, Quilici, Harp, Bergsagel, Beaudry, Molnar, Sliter, Masolo, Grinde, Mahlum, Menahan, Devlin, Bowman Shea, Christiaens, Simpkins, Stang, DePratu, Taylor, Story, Pavlovich, Ohs, Harrington, Bookout-Reinicke, Devaney, Tropila, Emerson, Orr, Foster, Lynch, Galvin, Jabs, Rehbein, Keating, Toews, Beck, Ryan, McCarthy, Grady, Mills, Halligan, Hertel, DeBruycker, Kitzenberg, Benedict, Grosfield, Wilson, Taylor, Nelson, Bishop, Sprague, Cole, Clark, Tash, Mohl, Ellis, Jenkins, Kottel, Denny, Wyatt, referred to Committee on Appropriations.

SB 394, introduced by Jabs, Ream, Bishop, Doherty, referred to Committee on Fish, Wildlife, & Parks.

Representative Grinde moved the House recess until 8:40 a.m. Motion carried.

House recessed at 8:06 a.m.

House reconvened at 8:44 a.m. Mr. Speaker in the Chair.

Roll call. All members present. Quorum present.

Mr. Speaker introduced today's honorary pages:

Sloan Newbreast, Butte

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Jessie Newbreast, Butte
Marcus McCaughey, Butte
Ben Jore, Ronan

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Mood in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 612 - Representative Hibbard moved HB 612 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Arnott, Bergsagel, DeBruycker.

Total 3

Excused: None.

Total 0

Absent or not voting: Menahan.

Total 1

HB 611 - Representative Harper moved HB 611 do pass. Motion failed as follows:

Ayes: Barnhart, Bohlinger, Carey, Cobb, Cocchiarella, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kitzenberg, Kottel, Krenzler, Lawson, Masolo, McCulloch, McGee, Menahan, Mood, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simpkins, Simpson, Squires, Story, Swanson, Trexler, Tropila, Tuss, Wells, Whitehead, Wyatt.

Total 48

Noes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Marshall, McCann, Mills, Molnar, Ohs, Orr, Prouse, Rehbein, Simon, Sliter, Smith, Soft, Tash, Taylor, Vick, Wagner, Walters, Wiseman, Zook, Mr. Speaker.

Total 51

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Excused: None.

Total 0

Absent or not voting: Stovall.

Total 1

HB 599 - Representative Bankhead moved HB 599 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Arnott, Brainard, DeBruycker, Heavy Runner, Kasten, Rehbein.

Total 6

Excused: None.

Total 0

Absent or not voting: Boharski, Jore.

Total 2

HB 597 - Representative Rose moved HB 597 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Arnott, Kasten, Prouse, Rehbein.

Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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HB 590 - Representative H. Hanson moved HB 590 do pass.

Representative Swanson moved HB 590, second reading copy, be amended (amendment #1).

Representative McGee moved for cloture. Motion failed due to 2/3 vote requirement. (62-37)

Representative Trexler moved for cloture. Motion carried. (88-10)

Amendment #1 failed as follows: (42-58)

Representative Gillan moved HB 590, second reading copy, be amended (amendment #2).

Representative Grinde questioned the validity of Amendment #2.

Representative Gillan asked Chairman Mood to rule on the validity of the amendment.

Chairman Mood ruled Amendment #2 out of order.

Representative Gillan called for a ruling by the Rules Committee.

Representative Grinde called for an immediate Rules Committee meeting and asked the House Chambers to stand at ease.

Representative Grinde ruled Chairman Mood was correct and that Amendment #2 is out of order.

Representative Gillan withdrew Amendment #2.

Representative Ream moved HB 590, second reading copy, be amended (amendment #3).

Representative Rose moved the amendment be divided into two sections and voted on separately. Motion carried.

Amendment #3, sections #1,2,4,5,6,7,8 failed as follows: (38-62)

Amendment #3, section #3 reads as follows:

3. Page 2, line 9.

Strike: "3.645%"

Insert: "3.86%"

Amendment #3, section #3 passed as follows:

Ayes: Adams, Ahner, Anderson, Barnett, Barnhart, Beaudry, Bergman, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

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Total 85

Noes: Arnott, Bankhead, Bergsagel, Bitney, Boharski, DeBruycker, Devaney, Grimes, Jore, Kasten, Keenan, Orr, Rehbein, Sliter.

Total 14

Excused: None.

Total 0

Absent or not voting: Smith.

Total 1

Representative Rehbein moved for cloture. Motion carried. (71-27)

Motion that HB 590 do pass, as amended, failed as follows:

Ayes: Ahner, Arnott, Barnhart, Boharski, Bohlinger, Carey, Cobb, Curtiss, DeBruycker, Dowell, Ellingson, Ewer, Hagener, H.S. Hanson, Harper, Heavy Runner, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kottel, Krenzler, Mills, Molnar, Mood, Orr, Pease, Peck, Ream, Ryan, Sands, Schmidt, Simon, Stovall, Swanson, Trexler, Tropila, Tuss, Vick, Whitehead, Wiseman, Wyatt.

Total 45

Noes: Adams, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Brainard, Clark, Cocchiarella, Denny, Devaney, Ellis, Feland, Galvin, Gillan, Grady, Grimes, Grinde, M. Hanson, Harrington, Hayne, Hibbard, Kitzenberg, Knox, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Ohs, Pavlovich, Prouse, Quilici, Raney, Rehbein, Rose, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Tash, Taylor, Wagner, Walters, Wells, Zook, Mr. Speaker.

Total 54

Excused: None.

Total 0

Absent or not voting: Bookout.

Total 1

Representative Grinde moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Mood moved that the Committee of the Whole report be adopted. Report adopted. (70-26)

Representative Grinde moved the House recess until 1:00 p.m. Motion carried.

House recessed at 11:47 a.m.

House reconvened at 1:00 p.m. Mr. Speaker in the Chair.

Roll call. Quorum present.

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SPECIAL ORDERS OF THE DAY

Sergeant-at-Arms Skelton announced the arrival of United States Congressman Rick Hill.

Mr. Speaker appointed Representatives Ohs and Quilici to escort Congressman Hill into the House Chambers.

Mr. Speaker welcomed Congressman Hill who delivered the following address:

Speaker Mercer, Majority Leader Grinde, Minority Leader Cocchiarella, Members of the Montana State House, Visitors, thank you for the opportunity to address you today.

It seems as though Betti and I have been caught in a whirlwind since the November election. In addition to making the adjustments to Washington, we have been traveling and meeting with Montanans all over the state.

It reminds me of some advice I received from Ron Marlenee, who served Montana so ably in this job, when I became a candidate many, many months ago. He said "the best advice I can give you is keep your oil changed and rotate your tires every 7500 miles or 75 towns - whichever comes first."

This week will mark over 35 communities I have visited since I was sworn in.

Earlier this week I was visiting with a truck driver from Billings who told me that he too had seriously considered running for Congress. I asked "why didn't you run?" He replied "I didn't want to spend that much time behind the wheel."

As a candidate for Congress, I used a formulation as a kind of short hand to show what I stand for. Some of you may have heard it before. Less government - lower taxes - more freedom.

What I want to emphasize to you today is that there is a theme - a sturdy foundation beneath that formula.

That theme comes down to one word, really: TRUST

Trust in the people - trust in the people of Montana - trust in the people of America.

That's what America is all about. We trust the people. We trust too the uncommon common sense of individuals - to do what's right for their families and for themselves - rather than rely on the government to do it for us.

So less government, lower taxes, more freedom in our policies - is part of a philosophy of trust.

And it is that principle that I rely on in Washington to steer me straight on every issue, every day.

For those of us elected to office, trust is something we have to earn. And we earn it - when we earn it - by taking on the big issues in an honest way, straight on, without surrendering to the impulse to cover our tracks, or to cover something worse.

The biggest issue in Washington right now - the issue that will affect this country for generations to come - is the federal budget deficit. A bad habit that has run this country \$5.2 trillion dollars into the red - with no end in sight.

Think about it for a minute. You all know how much you owe on your home mortgage, right? You know how

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much you owe on your car or truck, right? Do you know what your share of the national debt is?

I have a three-year-old granddaughter - Kadie.

Kadie is going to have to pay more than \$187,000 in taxes in her lifetime just to pay her share of the interest on the national debt as it stands today. It will take 80% of her income in taxes to support government as we know it today, if we don't stop spending.

I ask you, what did Kadie do to deserve that? What did your children and grandchildren do to deserve it? Nothing so far as I can see.

Folks, we and they are going to pay on this federal deficit - not only through higher taxes - but through the pressures the deficit puts on our economy - on our options - on our future.

So if we want to let the economy grow - let the small entrepreneurs with the big ideas get the credit they need to build their dreams, without the government's debt soaking up all of our savings - all of our investments - all of our opportunities, we must balance the budget.

If mortgages are going to be affordable for us today and for our kids and grandkids in the future - we must balance the budget.

If we want to make sure that Social Security is there, not just for our seniors today, but for our kids when they retire - we must balance the budget.

As I said - less government - lower taxes - more freedom. Of course, it works the other way, too. More government - more taxes - produces less freedom.

Either we shape the future - or the future shapes us.

These days we have more government than we want and less government than we need. How can that be?

It's a matter of priorities. One example. We have 110,000 IRS employees and 5400 people on the Border Patrol.

What does that tell you? Simply that government has put itself first. The care and feeding of government as evidenced by the hunger of the IRS - puts other interests on the back burner.

There is another reason that I ran for Congress. I wanted Montanans to have a representative in Washington that understands - literally - what makes Montana work.

Forget about the Fortune 500 companies.

In Montana - and for that matter in all of America - the economic engine is powered by small business. Farms and ranches, main street merchants, small manufacturing concerns, construction companies, health care providers, our home town banks, you can go on and on. These are all examples of what makes Montana work.

It follows that we have to maintain a climate in terms of federal tax policy that gives Montana businesses room to grow.

That's the reason and the rationale behind the first bills I introduced when I took the Congressional oath of office.

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The Family Farm Tax Simplification Act, The Income Averaging Act, Capital Gains and Death Tax Reform Act.

In each case - common sense legislation to correct IRS excesses.

Take the IRS ruling on deferred payment contracts. Make the contract one year - get paid the next. Leave it to the IRS not only to treat the contracts as taxable in the year made - but to also make their new rule retroactive to 1986. I don't know what a person can do now to change what they did in 1986. That's hardly fair, is it? I introduced a bill to force the IRS to rescind its ruling.

The principle behind my proposals - simple - a tax basis that's sensitive to small enterprises - family farms - family businesses - and to get the IRS off our backs.

In my small business, we tried to have a family-like atmosphere. We had flexible hours and family leave. Not because the government required it - but because we all wanted to be able to spend time with our families and provide good service to our customers, too.

If my employees had a parent teacher conference, or a soccer game, doctor's appointment, or some other family need - we had a simple arrangement - go and make up the time later. Problem is, the Department of Labor says that probably was not legal.

So, I helped sponsor a new law to make it legal - let employers and employees work together to choose whether they want overtime or comp time. Freedom for workers and employers to make choices based on their families rather than some bureaucrat's rules.

In the last Congress we began to change welfare from a handout to a hand up. In this Congress we are working to change public housing programs to empower residents to improve their neighborhoods and to improve their lives in the process.

The goal? Freedom from violence. Freedom from fear. Freedom from despair. Freedom to dream. Freedom to save. Freedom to achieve.

A fellow by the name of Tom Lewis testified in support of the new housing law I'm co-sponsoring. You don't know Tom, but I wish I could have brought him here today to meet you.

Tom is a retired DC cop. When he turned in his badge, he didn't buy a fishing boat to ride out his retirement.

Instead he traded his badge for a turned collar and started a program called the Fishing School. And it doesn't have that name because he teaches fishing. It has that name because Tom believes in the adage that you give a man a fish and you feed him for a day - you teach him to fish and he feeds himself for a lifetime.

The Fishing School isn't located in the parts of Washington that you will visit when you're there sightseeing. Even the police avoid the "bombed out" area of Washington near the Fishing School.

You see, Tom Lewis also follows the example of the Man from Galilee and is casting his net among the forgotten.

Tom makes sure that these abandoned and forgotten youth have a refuge - a place where they can get encouragement - a place where they can get tutoring - a place where they can be loved and accepted. A place where there are good role models. A place where they are taught that there is a right and a wrong.

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Tom didn't come to the Congress asking for money. His program doesn't depend on government support. He came to ask for the freedom to begin to change his neighborhood. To take over abandoned properties so he can expand The Fishing School. And so others like Tom have that same chance.

That's why I am going to help Tom.

Less government - lower taxes - more freedom.

I don't have to tell you in this room about these principles. You have been hard at work applying them here in the Montana legislature as well.

I often brag to my colleagues about our work of lowering taxes, shrinking government and creating more freedom. Actually repealing laws.

It's my view that you and I are working toward the same goals, based on the same principles - here in Helena and in Washington.

It is my purpose to cooperate with those of you in this room to work for a better and stronger America and Montana. I want to use this time to offer my help and commit myself and my staff toward this end. Please let us know whenever we can help you in your work to achieve these common ends.

I want you to know that I am honored to have the opportunity to speak to you here today. And I want you to know that I am honored and humbled that you have given me the opportunity to represent you in Washington.

Thank you and God Bless you.

Representatives Ohs and Quilici escorted Congressman Hill out of the House Chambers.

MOTIONS

HB 391 - Representative Grinde moved HB 391 be taken from the table in the Committee on Appropriations, printed, and placed on second reading this legislative day. Motion carried.

HB 471 - Representative Gillan moved HB 471 be taken from the table in the Committee on Taxation, printed, and placed on second reading the next legislative day. Motion carried.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Mood in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 195 - Representative Mercer moved SB 195 be concurred in.

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Representative Cobb moved SB 195, second reading copy, be amended (amendment #1). Motion failed as follows: (38-59)

Representative Cobb moved SB 195, second reading copy, be amended as follows (amendment #2):

1. Title, line 20.

Following: "1"

Insert: "PROVIDING FOR A CONTINGENT ADJUSTMENT OF TAX RATES FOR CLASS THREE, FOUR, AND TEN PROPERTY TO COMPENSATE FOR INCREASED VALUATION OF TAXABLE PROPERTY;"

Following: "SECTIONS"

Insert: "15-6-133, 15-6-134, 15-6-143,"

2. Title, line 21.

Strike: "AN IMMEDIATE"

3. Title, line 22.

Strike: the first "DATE"

Insert: "DATES"

4. Page 2, line 9.

Insert: "Section 5. Section 15-6-133, MCA, is amended to read:

"15-6-133. Class three property -- description -- taxable percentage. (1) Class three property includes:

(a) agricultural land as defined in 15-7-202;

(b) nonproductive patented mining claims outside the limits of an incorporated city or town held by an owner for the ultimate purpose of developing the mineral interests on the property. For the purposes of this subsection (1)(b), the following provisions apply:

(i) The claim may not include any property that is used for residential purposes, recreational purposes as described in 70-16-301, or commercial purposes as defined in 15-1-101 or any property the surface of which is being used for other than mining purposes or that has a separate and independent value for other purposes.

(ii) Improvements to the property that would not disqualify the parcel are taxed as otherwise provided in this title, including that portion of the land upon which the improvements are located and that is reasonably required for the use of the improvements.

(iii) Nonproductive patented mining claim property must be valued as if the land were devoted to agricultural grazing use.

(c) parcels of land of 20 acres or more but less than 160 acres under one ownership that are not eligible for valuation, assessment, and taxation as agricultural land under 15-7-202(1). The land may not be devoted to a commercial or industrial purpose.

(2) Class three property is taxed at ~~the taxable percentage rate applicable to class four property, as provided in 15-6-134(2)(a)~~ 3.645%.

(3) The land described in subsection (1)(c) is valued at the productive capacity value of grazing land, at the average grade of grazing land, and the taxable value is computed by multiplying the value by seven times the taxable rate for agricultural land."

Section 6. Section 15-6-134, MCA, is amended to read:

"15-6-134. Class four property -- description -- taxable percentage. (1) Class four property includes:

(a) all land, except that specifically included in another class;

(b) all improvements, including trailers or mobile homes used as a residence, except those specifically

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included in another class;

(c) the first \$100,000 or less of the market value of any improvement on real property, including trailers or mobile homes, and appurtenant land not exceeding 5 acres owned or under contract for deed and actually occupied for at least 7 months a year as the primary residential dwelling of any person whose total income from all sources, including net business income and otherwise tax-exempt income of all types but not including social security income paid directly to a nursing home, is not more than \$15,000 for a single person or \$20,000 for a married couple or a head of household, as adjusted according to subsection (2)(b)(ii). For the purposes of this subsection (1)(c), net business income is gross income less ordinary operating expenses but before deducting depreciation or depletion allowance, or both.

(d) all golf courses, including land and improvements actually and necessarily used for that purpose, that consist of at least nine holes and not less than 3,000 lineal yards; and

(e) all improvements on land that is eligible for valuation, assessment, and taxation as agricultural land under 15-7-202, including 1 acre of real property beneath improvements on land described in 15-6-133(1)(c). The 1 acre must be valued at market value.

(2) Class four property is taxed as follows:

(a) Except as provided in 15-24-1402 or 15-24-1501, property described in subsections (1)(a), (1)(b), and (1)(e) is taxed at ~~3.86%~~ 2.78% of its market value.

(b) (i) Property qualifying under the property tax assistance program in subsection (1)(c) is taxed at ~~3.86%~~ 2.78% of its market value multiplied by a percentage figure based on income and determined from the following table:

Income Single Person	Income Married Couple Head of Household	Percentage Multiplier
\$ 0 - \$ 6,000	\$ 0 - \$ 8,000	20%
6,001 - 9,200	8,001 - 14,000	50%
9,201 - 15,000	14,001 - 20,000	70%

(ii) The income levels contained in the table in subsection (2)(b)(i) must be adjusted for inflation annually by the department of revenue. The adjustment to the income levels is determined by:

(A) multiplying the appropriate dollar amount from the table in subsection (2)(b)(i) by the ratio of the PCE for the second quarter of the year prior to the year of application to the PCE for the second quarter of 1995; and

(B) rounding the product thus obtained to the nearest whole dollar amount.

(iii) "PCE" means the implicit price deflator for personal consumption expenditures as published quarterly in the Survey of Current Business by the bureau of economic analysis of the U.S. department of commerce.

(c) Property described in subsection (1)(d) is taxed at one-half the taxable percentage rate established in subsection (2)(a).

(3) Within the meaning of comparable property, as defined in 15-1-101, property assessed as commercial property is comparable only to other property assessed as commercial property and property assessed as other than commercial property is comparable only to other property assessed as other than commercial property."

Section 7. Section 15-6-143, MCA, is amended to read:

"15-6-143. Class ten property -- description -- taxable percentage -- ~~alternative classification~~. (1) Class ten property includes all forest lands as defined in 15-44-102.

(2) Class ten property is taxed at the percentage rate "P" 0.35% of its forest productivity value.

~~(3) For taxable years beginning January 1, 1994, and thereafter, the taxable percentage rate "P" applicable to class ten property is 4%/B, where B is the certified statewide percentage increase to be determined by the department of revenue as provided in subsection (4). The taxable percentage rate "P" must be rounded downward to the nearest 0.01% and must be calculated by the department before July 1, 1994.~~

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~~(4) (a) Prior to July 1, 1994, the department shall determine the certified statewide percentage increase for class ten property using the formula $B = X/Y$, where:~~

~~(i) X is the appraised value, as of January 1, 1994, of all property in the state, excluding use changes occurring during the preceding year, classified under class ten as class ten is described in this section; and~~

~~(ii) Y is the appraised value, as of January 1, 1993, of all property in the state that would be classified under class ten as class ten is described in this section as this section reads in 1993.~~

~~(b) B must be rounded downward to the nearest 0.0001%."~~

Renumber: subsequent sections

8. Page 7, line 18.

Strike: "date"

Insert: "dates"

Following: "applicability."

Insert: "(1) Except as provided in subsection (2),"

Strike: "This"

Insert: "this"

9. Page 7, line 21.

Insert: "(2) If [sections 4 through 8] are declared invalid, then [sections 1 through 3] are effective on the date that [sections 4 through 8] are invalid."

Amendment #2 passed as follows:

Ayes: Ahner, Arnott, Bankhead, Barnhart, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pease, Peck, Prouse, Raney, Ream, Ryan, Sands, Schmidt, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 85

Noes: Adams, Anderson, Barnett, Beaudry, Brainard, DeBruycker, Grinde, Hayne, Pavlovich, Quilici, Rehbein, Rose, Story, Trexler.

Total 14

Excused: None.

Total 0

Absent or not voting: Simon.

Total 1

Motion that SB 195 be concurred in, as amended, carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Bookout, Brainard, Clark, Cocchiarella, Denny, Devaney, Dowell, Ellis, Feland, Grady, Grimes, Grinde, M. Hanson, Harrington, Hayne, Hibbard, Holland, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McGee, Menahan, Molnar, Mood, Ohs, Pavlovich, Quilici, Raney, Rehbein, Rose, Ryan, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Tash, Taylor, Trexler, Wagner, Walters, Wiseman, Zook, Mr. Speaker.

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Total 57

Noes: Adams, Arnott, Barnhart, Boharski, Bohlinger, Carey, Cobb, Curtiss, DeBruycker, Ellingson, Ewer, Galvin, Gillan, Hagener, H.S. Hanson, Harper, Heavy Runner, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Kottel, McCulloch, Mills, Orr, Pease, Peck, Prouse, Ream, Sands, Schmidt, Simon, Stovall, Swanson, Tropila, Tuss, Vick, Wells, Whitehead, Wyatt.

Total 43

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 601 - Representative Harrington moved HB 601 do pass. Motion carried as follows:

Ayes: Ahner, Bankhead, Barnhart, Beaudry, Bohlinger, Carey, Cobb, Cocchiarella, Denny, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kitzenberg, Kottel, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Soft, Squires, Swanson, Tash, Tropila, Tuss, Whitehead, Wyatt.

Total 51

Noes: Adams, Anderson, Arnott, Barnett, Bergsagel, Bitney, Boharski, Bookout, Brainard, Clark, Curtiss, DeBruycker, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Krenzler, Lawson, McGee, Molnar, Orr, Prouse, Rehbein, Simpkins, Smith, Story, Stovall, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 47

Excused: None.

Total 0

Absent or not voting: Bergman, Sliter.

Total 2

HB 126 - Representative Cobb moved HB 126 do pass.

Representative Cobb moved HB 126, second reading copy, be amended as follows (amendment #1):

1. Title, line 8.

Following: "16-11-202,"

Insert: "16-11-206,"

2. Page 2, line 29.

Strike: "-- disposition"

3. Page 3, lines 9 through 12.

Strike: subsection (3) in its entirety

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4. Page 3, line 13.

Insert: "Section 4. Section 16-11-206, MCA, is amended to read:

"16-11-206. Wholesaler's discount -- disposition of taxes. (1) The taxes specified in this part that are paid by the wholesaler must be paid to the department in full less a 5% defrayment for the wholesaler's collection and administrative expense and must, in accordance with the provisions of 15-1-501, be deposited distributed by the department in the long range building program debt service fund as follows:

(a) 35.71% must be deposited in the state general fund; and

(b) 64.29% is pledged and appropriated for the purposes set forth in 17-5-408(2).

(2) Refunds of the tax paid must be made as provided in 15-1-503 in cases in which the tobacco products purchased become unsalable."

Renumber: subsequent sections

5. Page 4, lines 26 and 27.

Page 4, lines 28 and 29.

Strike: "that are received by a wholesaler after [the effective date of this act]"

Insert: "sold after June 30, 1997"

Amendment #1 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Brainard, DeBruycker, Devaney, Jore, Krenzler, Pavlovich.

Total 6

Excused: None.

Total 0

Absent or not voting: Boharski, Bohlinger, Denny, Grinde, Sliter.

Total 5

Representative Cobb moved HB 126, second reading copy, be further amended as follows (amendment #2):

1. Title, lines 5 through 8.

Strike: "PROVIDING" on line 5 through "DEPARTMENTS;" on line 8

2. Page 2, line 16.

Strike: "7.14%"

Insert: "7.34%"

3. Page 4, lines 4 through 22.

Strike: section 5 in its entirety

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Renumber: subsequent sections

Amendment #2 passed as follows:

Ayes: Ahner, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 86

Noes: Adams, Anderson, Brainard, DeBruycker, Devaney, Jore, Kasten, Krenzler, Orr, Story, Vick, Wagner.

Total 12

Excused: None.

Total 0

Absent or not voting: Molnar, Sliter.

Total 2

Representative Cobb moved HB 126, second reading copy, be further amended as follows (amendment #3):

1. Title, line 5.

Following: " ; "

Insert: "PROVIDING APPROPRIATIONS TO THE DEPARTMENT OF COMMERCE FOR LOCAL GOVERNMENT INFRASTRUCTURE AND PUBLIC HEALTH SERVICES AND FOR THE DRUG-FREE SCHOOL PROGRAM;"

2. Page 4, line 3.

Insert: "NEW SECTION. Section 5. Appropriation. (1) The following amounts are appropriated to the department of commerce from the general fund if the bill cited is not passed and approved:

(a) \$2 million if House Bill No. 417, which allows for child-care expenses to be deducted, is not passed and approved;

(b) \$6.3 million if Senate Bill No. 151, which allows the deduction of premiums for health care insurance and long-term care insurance, is not passed and approved;

(c) \$4 million if Senate Bill No. 184, which allows an income tax credit for household and dependent care services, is not passed and approved.

(2)(a) There is appropriated \$600,000 from the general fund to the department of commerce for local government infrastructure and public health services as provided in subsections (2)(b) and (2)(c).

(b) The money appropriated in subsections (1) and (2)(a) is to be used by counties, cities, towns, and unincorporated places, as agreed to by the department and the appropriate county commissioners, and which may be within an Indian reservation, for the construction, installation, maintenance, and expansion of infrastructure or for public health services. For the purposes of this section, "infrastructure" means:

(i) drinking water systems;

(ii) wastewater treatment systems;

(iii) sanitary sewer or storm sewer systems; and

(iv) solid waste disposal and separation systems, including site acquisition, preparation, and monitoring.

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(c) The department shall allocate the appropriation so that one-half of the money goes to cities that have a population greater than 20,000, but the total any city may receive may not be more than \$500,000.

(3) There is appropriated \$1.4 million from the general fund for the biennium for the drug-free school program."

Renumber: subsequent sections

Amendment #3 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Beaudry, Bergsagel, Bohlinger, Bookout, Carey, Clark, Cobb, Curtiss, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grimes, Hagener, M. Hanson, Harper, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Ohs, Orr, Pease, Peck, Prouse, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 71

Noes: Adams, Bankhead, Bergman, Bitney, Boharski, Brainard, Cocchiarella, DeBruycker, Denny, Devaney, Feland, Grady, Grinde, H.S. Hanson, Harrington, Jore, Kasten, Krenzler, Pavlovich, Quilici, Simon, Simpkins, Simpson, Story, Vick, Wagner, Wells.

Total 27

Excused: None.

Total 0

Absent or not voting: Mood, Trexler.

Total 2

Representative Sliter assumed the Chair at this time.

Representative Barnett moved for cloture. Motion carried.

Representatives Ryan and Ewer excused at this time.

Motion that HB 126 do pass, as amended, failed as follows:

Ayes: Ahner, Arnott, Barnhart, Bergsagel, Bohlinger, Carey, Clark, Cobb, Curtiss, Dowell, Ellingson, Ewer, Galvin, Gillan, Grimes, Hagener, Harper, Heavy Runner, Hurdle, R. Johnson, Kitzenberg, Kottel, Marshall, McCann, McCulloch, McGee, Mills, Molnar, Pease, Peck, Prouse, Ream, Rehbein, Rose, Sands, Schmidt, Soft, Swanson, Tash, Whitehead, Wiseman, Wyatt.

Total 42

Noes: Adams, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bitney, Boharski, Bookout, Brainard, Cocchiarella, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, Holland, J. Johnson, Jore, Kasten, Keenan, Knox, Krenzler, Lawson, Masolo, Menahan, Mood, Ohs, Orr, Pavlovich, Quilici, Raney, Ryan, Simon, Simpkins, Simpson, Sliter, Smith, Squires, Story, Stovall, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Zook, Mr. Speaker.

Total 58

Voted Absentee: Ewer, Aye; Ryan, No.

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Tuss excused at this time.

HB 17 - Representative Pavlovich moved HB 17 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, DeBruycker, Devaney, Dowell, Ellingson, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, Keenan, Kitzenberg, Kottel, Krenzler, Lawson, Marshall, McCulloch, McGee, Menahan, Ohs, Pavlovich, Quilici, Rehbein, Rose, Ryan, Simon, Simpkins, Simpson, Sliter, Smith, Squires, Stovall, Tash, Trexler, Tropila, Tuss, Wagner, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.
Total 60

Noes: Adams, Arnott, Bankhead, Barnett, Barnhart, Bergsagel, Boharski, Brainard, Clark, Cobb, Cocchiarella, Curtiss, Denny, Ellis, Grimes, M. Hanson, R. Johnson, Jore, Kasten, Knox, Masolo, McCann, Mills, Molnar, Mood, Orr, Pease, Peck, Prouse, Raney, Ream, Sands, Schmidt, Soft, Story, Swanson, Taylor, Vick, Walters, Wyatt.
Total 40

Voted Absentee: Ewer, Ryan, Tuss, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 166 - Representative Zook moved HB 166 do pass.

Representative Zook moved HB 166, second reading copy, be amended as follows (amendment #1):

1. Page 59, line 13.

Following: "SECTION"

Strike: "4"

Insert: "5"

Amendment #1 passed as follows:

Ayes: Adams, Ahner, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Dowell, Ellingson, Ellis, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Marshall, Masolo, McCann, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pease, Peck, Quilici, Raney,

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Rehbein, Rose, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 86

Noes: Jore, Lawson, Prouse, Ream.
Total 4

Excused: Ewer, Ryan, Tuss.
Total 3

Absent or not voting: Anderson, Barnhart, Devaney, Harrington, McCulloch, Pavlovich, Sands.
Total 7

Representative Menahan moved HB 166, second reading copy, be further amended (amendment #2). Motion failed as follows: (40-44)

Motion that HB 166 do pass, as amended, carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Quilici, Raney, Ream, Rose, Ryan, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 87

Noes: Adams, Boharski, DeBruycker, Devaney, Jore, Kasten, Lawson, Peck, Prouse, Rehbein, Tuss.
Total 11

Voted Absentee: Ewer, Ryan, Ayes; Tuss, No.

Excused: None.
Total 0

Absent or not voting: Sands, Tropila.
Total 2

HB 169 - Representative Zook moved HB 169 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Molnar, Mood, Ohs, Pavlovich, Pease, Prouse, Quilici, Raney, Rose, Ryan, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 82

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Noes: Boharski, Carey, DeBruycker, Grimes, Harper, Jore, Kasten, Keenan, Orr, Peck, Ream, Rehbein, Sands, Tuss, Wagner.

Total 15

Voted Absentee: Ewer, Ryan, Ayes; Tuss, No.

Excused: None.

Total 0

Absent or not voting: Cocchiarella, Menahan, Mills.

Total 3

HB 177 - Representative Cobb moved HB 177 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Marshall, Masolo, McCann, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Peck, Prouse, Quilici, Rose, Ryan, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 82

Noes: Carey, Dowell, Ellingson, Hagener, Harper, Heavy Runner, Krenzler, Lawson, McCulloch, Pease, Raney, Rehbein, Swanson, Wagner, Wyatt.

Total 15

Voted Absentee: Ewer, Ryan, Tuss, Ayes.

Excused: None.

Total 0

Absent or not voting: Ream, Sands, Schmidt.

Total 3

HB 281 - Representative Grinde moved consideration of HB 281 be passed for the day. Motion carried.

HB 298 - Representative R. Johnson moved HB 298 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Barnhart, Beaudry, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Molnar, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 69

Noes: Adams, Arnott, Bankhead, Barnett, Bergman, Bergsagel, Boharski, Brainard, Curtiss, DeBruycker, Denny,

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Devaney, Feland, Grinde, Jore, Kasten, Keenan, Kitzenberg, McGee, Mills, Orr, Raney, Rehbein, Sliter, Smith, Tuss, Vick, Wagner, Walters, Wyatt.
Total 30

Voted Absentee: Ewer, Ryan, Ayes; Tuss, No.

Excused: None.
Total 0

Absent or not voting: Mood.
Total 1

Representative J. Johnson excused at this time.

HB 281 - Representative Grinde moved to reconsider action on HB 281 by placing it on the bottom of the board instead of passing it for the day. Motion carried.

HB 398 - Representative R. Johnson moved HB 398 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Ream, Rehbein, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.
Total 82

Noes: Arnott, Boharski, Brainard, Curtiss, Hayne, Jore, Keenan, Marshall, McGee, Orr, Raney, Rose, Story, Taylor, Wagner, Wyatt.
Total 16

Voted Absentee: Ewer, J. Johnson, Ryan, Tuss, Ayes.

Excused: None.
Total 0

Absent or not voting: Denny, Vick.
Total 2

HB 500 - Representative Keenan moved HB 500 do pass.

Representative Keenan moved HB 500, second reading copy, be amended as follows (amendment #1):

1. Page 4, line 13.
Following: "authorized by"
Strike: "statute"
Insert: "law"

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Amendment #1 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Hayne, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Raney, Ream, Rehbein, Rose, Sands, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 80

Noes: Galvin, Gillan, Hagener, Harrington, Heavy Runner, Hurdle, Kitzenberg, Kottel, Krenzler, Quilici, Schmidt, Whitehead, Wyatt.

Total 13

Excused: Ewer, J. Johnson, Ryan, Tuss.

Total 4

Absent or not voting: Hibbard, Menahan, Mills.

Total 3

Motion that HB 500 do pass, as amended, carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, Denny, Devaney, Dowell, Ellis, Feland, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Kottel, Marshall, Masolo, McCann, McGee, Mills, Molnar, Mood, Ohs, Orr, Peck, Prouse, Raney, Rehbein, Rose, Sands, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 68

Noes: Barnhart, Carey, Cocchiarella, DeBruycker, Ellingson, Ewer, Galvin, Gillan, Grady, Hagener, Harrington, Heavy Runner, Hurdle, J. Johnson, Kitzenberg, Krenzler, Lawson, McCulloch, Menahan, Pavlovich, Pease, Quilici, Ream, Ryan, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.

Total 32

Voted Absentee: Ewer, J. Johnson, Ryan, Tuss, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 567 - Representative Squires moved HB 567 do pass.

Representative Grimes moved HB 567, second reading copy, be amended as follows (amendment #1):

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1. Page 2, line 14.

Following: "services"

Insert: "for state employees"

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: Adams, Boharski, Jore, Vick.

Total 4

Excused: Ewer, J. Johnson, Ryan, Tuss.

Total 4

Absent or not voting: DeBruycker, Keenan, McCann, McGee.

Total 4

Motion that HB 567 do pass, as amended, carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnhart, Beaudry, Bergman, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 76

Noes: Adams, Arnott, Barnett, Bergsagel, Bitney, Boharski, Brainard, Curtiss, DeBruycker, Devaney, Hayne, Jore, Kasten, McCann, Mills, Molnar, Orr, Prouse, Rehbein, Trexler, Vick, Wagner, Walters.

Total 23

Voted Absentee: Ewer, J. Johnson, Ryan, Tuss, Ayes.

Excused: None.

Total 0

Absent or not voting: Keenan.

Total 1

Representative Ryan present at this time.

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Representative Grinde moved consideration of HB 281 be placed at the top of the second reading board. Motion carried.

HB 281 - Representative Ryan moved HB 281 do pass. Motion carried as follows:

Ayes: Bohlinger, Bookout, Carey, Cobb, Cocchiarella, Denny, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grinde, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, Kitzenberg, Kottel, Krenzler, Masolo, McCann, McCulloch, Menahan, Molnar, Mood, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Squires, Swanson, Tropila, Whitehead, Wyatt, Zook.

Total 50

Noes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Brainard, Clark, Curtiss, DeBruycker, Devaney, Feland, Grimes, H.S. Hanson, M. Hanson, Hayne, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Lawson, Marshall, McGee, Mills, Ohs, Orr, Prouse, Rehbein, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Mr. Speaker.

Total 48

Voted Absentee: Ewer, Aye.

Excused: J. Johnson, Tuss.

Total 2

Absent or not voting: None.

Total 0

HB 584 - Representative Knox moved HB 584 do pass.

Representative Knox moved HB 584, second reading copy, be amended as follows (amendment #1):

1. Page 1, line 18.

Strike: subsection (b) in its entirety

2. Page 1, line 20.

Following: "÷"

Insert: "(b) all penalties assessed pursuant to [Senate Bill No. 377];"

3. Page 6, line 30.

Strike: "\$825,000"

Insert: "\$675,000"

Strike: "\$1.325"

Insert: "\$1.245"

4. Page 7, lines 7 and 8.

Strike: "the amendments to 15-37-117 in" on line 7

Following: "7"

Strike: ", relating" on line 5 through "are" on line 8

Insert: "is"

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5. Page 7, line 9.

Strike: " __Bill__ [LC 759]"

Insert: "Senate Bill No. 377"

6. Page 7, line 10.

Strike: " __Bill__ [LC 759]"

Insert: "Senate Bill No. 377"

7. Page 7, lines 11 and 12.

Strike: subsection (3) in its entirety.

Amendment #1 passed carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Molnar, Mood, Ohs, Pavlovich, Pease, Quilici, Raney, Ream, Rehbein, Rose, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Adams, Hurdle, Orr, Prouse.

Total 4

Excused: Ewer, J. Johnson, Ryan, Tuss.

Total 4

Absent or not voting: McCann, Mills, Peck.

Total 3

Representative Ryan excused at this time.

Motion that HB 584 do pass, as amended, carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, Keenan, Kitzenberg, Knox, Kottel, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mood, Ohs, Pavlovich, Pease, Quilici, Raney, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 72

Noes: Adams, Arnott, Barnhart, Boharski, Brainard, Curtiss, DeBruycker, Hurdle, R. Johnson, Jore, Kasten, Krenzler, Molnar, Orr, Prouse, Ream, Rehbein, Simpson, Tuss, Vick, Wagner, Walters, Wyatt.

Total 23

Voted Absentee: Ewer, J. Johnson, Ryan, Ayes; Tuss, No.

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Excused: None.

Total 0

Absent or not voting: Bitney, Denny, Hagener, Mills, Peck.

Total 5

HB 598 - Representative Trexler moved HB 598 do pass. Motion carried as follows:

Ayes: Adams, Anderson, Barnhart, Beaudry, Bergman, Bookout, Cocchiarella, Denny, Devaney, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Whitehead, Wyatt, Zook, Mr. Speaker.

Total 74

Noes: Boharski, Brainard, DeBruycker, Dowell, Jore, McCann, Molnar, Vick, Wagner, Walters.

Total 10

Voted Absentee: Ewer, J. Johnson, Ryan, Tuss, Ayes.

Excused: None.

Total 0

Absent or not voting: Ahner, Arnott, Bankhead, Barnett, Bergsagel, Bitney, Bohlinger, Carey, Clark, Cobb, Curtiss, Kasten, Peck, Squires, Wells, Wiseman.

Total 16

HB 607 - Representative Grinde moved HB 607 do pass. Motion carried as follows:

Ayes: Adams, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Ahner, DeBruycker, Masolo, Wagner.

Total 4

Voted Absentee: Ewer, J. Johnson, Ryan, Tuss, Ayes.

Excused: None.

Total 0

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Absent or not voting: Peck.
Total 1

HB 610 - Representative Grady moved HB 610 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Beaudry, Bitney, Bohlinger, Bookout, Carey, Cocchiarella, Devaney, Ellingson, Ellis, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Kitzenberg, Knox, Kottel, Krenzler, Lawson, McCulloch, McGee, Menahan, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Ryan, Sands, Simon, Simpson, Squires, Story, Stovall, Tash, Taylor, Trexler, Tropila, Tuss, Whitehead, Wiseman, Zook, Mr. Speaker.
Total 56

Noes: Adams, Bankhead, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Brainard, Clark, Cobb, Curtiss, DeBruycker, Dowell, Ewer, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Marshall, Masolo, McCann, Molnar, Mood, Ohs, Orr, Rehbein, Rose, Schmidt, Simpkins, Sliter, Smith, Soft, Swanson, Vick, Wagner, Walters, Wells, Wyatt.
Total 40

Voted Absentee: Ryan, Tuss, Ayes; Ewer, J. Johnson, Noes.

Excused: None.
Total 0

Absent or not voting: Denny, Grinde, Mills, Peck.
Total 4

HJR 24 - Representative Soft moved HJR 24 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 95

Noes: Kasten, Rehbein, Wagner.
Total 3

Voted Absentee: Ewer, J. Johnson, Ryan, Tuss, Ayes.

Excused: None.
Total 0

Absent or not voting: Adams, Peck.
Total 2

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HB 391 - Representative Rose moved HB 391 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Ohs, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 84

Noes: Adams, Arnott, Bergsagel, Curtiss, Grimes, Jore, Keenan, Orr, Wagner, Wyatt.

Total 10

Voted Absentee: Ryan, Aye.

Excused: Ewer, J. Johnson, Tuss.

Total 3

Absent or not voting: Boharski, Mood, Peck.

Total 3

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Sliter moved that the Committee of the Whole report be adopted. Report adopted. (74-17)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 499 passed as follows:

Ayes: Ahner, Anderson, Beaudry, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Cobb, Cocchiarella, Denny, Devaney, Dowell, Ellingson, Ellis, Galvin, Gillan, Grinde, Harper, Harrington, Heavy Runner, Hibbard, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, McCann, McCulloch, Menahan, Mills, Ohs, Pavlovich, Pease, Raney, Ream, Rose, Ryan, Sands, Simon, Squires, Swanson, Taylor, Tropila, Whitehead, Zook, Mr. Speaker.

Total 49

Noes: Adams, Arnott, Bankhead, Barnett, Barnhart, Bergman, Boharski, Brainard, Clark, Curtiss, DeBruycker, Ewer, Feland, Grimes, Hagener, H.S. Hanson, M. Hanson, Hayne, Holland, Hurdle, Jore, Keenan, Lawson, Marshall, Masolo, McGee, Molnar, Orr, Prouse, Quilici, Rehbein, Schmidt, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Tash, Trexler, Tuss, Vick, Wagner, Walters, Wells, Wiseman, Wyatt.

Total 48

Voted Absentee: J. Johnson, Ryan, Ayes; Ewer, Tuss, Noes.

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Excused: None.
Total 0

Absent or not voting: Grady, Mood, Peck.
Total 3

HB 594 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 97

Noes: Grady.
Total 1

Voted Absentee: Ewer, J. Johnson, Ryan, Tuss, Ayes.

Excused: None.
Total 0

Absent or not voting: Bookout, Peck.
Total 2

HJR 29 passed as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 89

Noes: Adams, Arnott, Bergman, Jore, Orr, Rehbein, Vick, Walters, Wells.
Total 9

Voted Absentee: Ewer, J. Johnson, Ryan, Tuss, Ayes.

Excused: None.
Total 0

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Absent or not voting: Keenan, Peck.

Total 2

HJR 30 passed as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Wagner, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: Adams, Arnott, Bergman, Jore, Orr, Rehbein, Simon, Vick, Wells.

Total 9

Voted Absentee: Ewer, J. Johnson, Ryan, Tuss, Ayes.

Excused: None.

Total 0

Absent or not voting: Keenan, Peck, Trexler.

Total 3

SB 116 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Prouse.

Total 1

Voted Absentee: Ewer, J. Johnson, Ryan, Tuss, Ayes.

Excused: None.

Total 0

Absent or not voting: Peck, Simon, Walters.

Total 3

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SB 117 concurred in as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 87

Noes: Adams, Arnott, Bankhead, Boharski, Jore, Keenan, Marshall, Molnar, Orr, Vick, Wagner, Walters.
Total 12

Voted Absentee: Ewer, J. Johnson, Ryan, Tuss, Ayes.

Excused: None.
Total 0

Absent or not voting: Peck.
Total 1

SB 120 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 96

Noes: Denny, Hayne, Mills.
Total 3

Voted Absentee: Ewer, J. Johnson, Ryan, Tuss, Ayes.

Excused: None.
Total 0

Absent or not voting: Peck.
Total 1

SB 148 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger,

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Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Arnott, Bergsagel, Jore.

Total 3

Voted Absentee: Ewer, J. Johnson, Ryan, Tuss, Ayes.

Excused: None.

Total 0

Absent or not voting: Peck.

Total 1

SB 223 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 89

Noes: Arnott, Heavy Runner, Hurdle, Jore, McCann, McGee, Schmidt, Tropila, Tuss, Wyatt.

Total 10

Voted Absentee: Ewer, J. Johnson, Ryan, Ayes; Tuss, No.

Excused: None.

Total 0

Absent or not voting: Peck.

Total 1

SB 229 concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J.

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Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Orr, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Simpkins, Simpson, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 74

Noes: Adams, Arnott, Barnhart, Bergsagel, Boharski, Brainard, Denny, Hagener, Hayne, Jore, Keenan, Krenzler, McGee, Molnar, Ohs, Schmidt, Simon, Sliter, Smith, Trexler, Vick, Wagner, Walters, Wells, Wyatt.

Total 25

Voted Absentee: Ewer, J. Johnson, Ryan, Tuss, Ayes.

Excused: None.

Total 0

Absent or not voting: Peck.

Total 1

SB 235 concurred in as follows:

Ayes: Adams, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 85

Noes: Ahner, Arnott, Bitney, Boharski, Brainard, DeBruycker, Feland, Jore, Keenan, McCann, Prouse, Smith, Vick, Wyatt.

Total 14

Voted Absentee: Ewer, J. Johnson, Ryan, Tuss, Ayes.

Excused: None

Total 0

Absent or not voting: Peck.

Total 1

SB 240 concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Quilici,

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Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: Adams, Arnott, Boharski, Brainard, Jore, Keenan, Prouse, Vick, Walters.

Total 9

Voted Absentee: Ewer, J. Johnson, Ryan, Tuss, Ayes.

Excused: None.

Total 0

Absent or not voting: Grady, Peck, Soft.

Total 3

SB 264 concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bohlinger, Bookout, Carey, Cobb, Cocchiarella, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 74

Noes: Adams, Arnott, Bergsagel, Bitney, Boharski, Brainard, Clark, Curtiss, DeBruycker, Grinde, Hayne, Jore, Kasten, Keenan, Krenzler, McCann, Molnar, Orr, Rehbein, Sliter, Smith, Vick, Wagner, Walters, Wells.

Total 25

Voted Absentee: Ewer, J. Johnson, Ryan, Tuss, Ayes.

Excused: None.

Total 0

Absent or not voting: Peck.

Total 1

MOTIONS

HB 611 - Representative Ellis moved the House reconsider its action on HB 611 taken on second reading this legislative day. Motion failed. (44-52)

HB 597 - Representative Molnar moved he be allowed to change his vote on HB 597, second reading, from abstain to aye. Motion carried.

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ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Thursday, March 27, 1997. Motion carried.

House adjourned at 6:33 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL
SIXTY-SEVENTH LEGISLATIVE DAY**

Helena, Montana
March 27, 1997

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Hayne. Pledge of Allegiance to the Flag.

Roll call. All members present except Representative Kasten, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journal for the sixty-fourth legislative day, find the same to be correct.

Hayne, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman):

3/27/97

Correctly printed for second reading: SB 297, SB 324, SB 381, SB 188, SB 252, SB 257, SB 265, SB 282, SB 308, SB 335, SJR 9.

Correctly engrossed for third reading: HB 177, HB 391, HB 298, HB 281, HB 166, HB 500, HB 567, HB 584, HB 17, HB 169, HB 398, HB 597, HB 598, HB 599, HB 601, HB 607, HB 610, HB 612.

Delivered to the Secretary of State at 8:30 a.m., March 27, 1997: HJR 6, HJR 19.

Delivered to the Governor for his approval at 3:40 p.m., March 27, 1997: HB 577, HB 224, HB 489, HB 317.

MESSAGES FROM THE SENATE

Senate bill passed and transmitted to the House for concurrence:

3/26/97

SB 390, introduced by Thomas

MESSAGES FROM THE GOVERNOR

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 25, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 243 sponsored by Representative Denny on March 25, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol

March 25, 1997

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Helena, Montana 59620

Dear Representative Mercer:

Please be informed that I have signed House Bill 256 sponsored by Representative Bergman et al. on March 25, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 25, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 283 sponsored by Representative Swanson et al. on March 25, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 25, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 314 sponsored by Representative Simpkins on March 25, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 25, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 348 sponsored by Representative Harrington on March 25, 1997.

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Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 25, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 382 sponsored by Representative Orr et al. on March 25, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 25, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 402 sponsored by Representative Holland on March 25, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 25, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 439 sponsored by Representative Schmidt on March 25, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House

March 25, 1997

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State Capitol
Helena, Montana 59620

Dear Representative Mercer:

Please be informed that I have signed House Bill 470 sponsored by Representative Heavy Runner et al. on March 25, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 25, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 501 sponsored by Representative Wagner et al. on March 25, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 25, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 507 sponsored by Representative Story et al. on March 25, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 25, 1997

Dear Representative Mercer:

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Please be informed that I have signed House Bill 550 sponsored by Representative Cocchiarella on March 25, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 26, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 110 sponsored by Representative Swanson et al. on March 26, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 26, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 411 sponsored by Representative Ahner et al. on March 26, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 26, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 486 sponsored by Representative Tuss et al. on March 26, 1997.

Sincerely,

MARC RACICOT
Governor

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The Honorable John Mercer
Speaker of the House
State Capitol
Helena MT 59620

March 26, 1997

The Honorable Gary Aklestad
President of the Senate
State Capitol
Helena MT 59620

Dear Speaker Mercer and President Aklestad:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return House Bill 195, **"A BILL FOR AN ACT REQUIRING STATE AGENCIES TO PAY A \$45 FEE TO FILE A WARRANT FOR DISTRRAINT, CERTIFICATE OF LIEN, OR ABSTRACT OF ADMINISTRATIVE ORDER OR OF FINAL ADMINISTRATIVE ORDER; CLARIFYING THE AMOUNT OF THE DISTRICT COURT FEE FOR APPEALS FROM COURTS OF LIMITED JURISDICTION AND FOR APPEARING AS A LITIGANT IN A CONTESTED ESTATE PROCEEDING: AND AMENDING SECTIONS 25-1-201 AND 25-10-405, MCA."**

House Bill 195 requires, among other things, that state agencies pay \$45 each time they file with a clerk of court a warrant for distrainment, a certificate of lien, or an abstract of an administrative order.

I do not disagree with the substance of the bill. However, its operation will result in projected additional costs to agency budgets of over \$280,000 for the biennium. This is a sum that current agency budgets cannot absorb, and, since there is no funding provided in the bill, I am offering an amendment to the bill to prevent the law from becoming effective unless there is an appropriation for adequate funding.

It is my understanding that Representative Tash, the bill's sponsor, understands the need for the amendment.

Sincerely,

MARC RACICOT
Governor

GOVERNOR'S AMENDMENTS
TO HOUSE BILL 195

1. Title, line 8.

Strike: "AND"

Following: "MCA"

Insert: "; AND PROVIDING A CONTINGENT VOIDNESS PROVISION"

2. Page 4, line 2.

Insert: "NEW SECTION. Section 3. Contingent voidness. [This act] increases spending without providing corresponding funding. If a corresponding increase in funding for [this act] is not contained in House Bill No. 2, then [this act] is void."

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**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative McCulloch in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 163 - Representative J. Johnson moved HB 163 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Cocchiarella, DeBruycker, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Vick, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 77

Noes: Adams, Arnott, Bergsagel, Boharski, Brainard, Clark, Cobb, Curtiss, Devaney, Grinde, Holland, Jore, Keenan, McGee, Molnar, Prouse, Rehbein, Sliter, Story, Trexler, Wagner, Walters, Wells.

Total 23

Voted Absentee: Kasten, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 193 - Representative Grinde moved consideration of SB 193 be placed at the bottom of the second reading board. Motion carried.

SB 343 - Representative Sliter moved SB 343 be concurred in.

Representative Wells moved SB 343, second reading copy, be amended (amendment #1). Motion failed as follows: (14-82)

Motion to concur in SB 343 carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins,

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Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Jore, McGee, Prouse, Vick, Wells.

Total 5

Voted Absentee: Kasten, Aye.

Excused: None.

Total 0

Absent or not voting: Harper, Raney.

Total 2

HB 471 - Representative Gillan moved HB 471 do pass.

Representative Gillan moved HB 471, second reading copy, be amended as follows (amendment #1):

1. Title, line 4.

Strike: "\$25,000"

Insert: "\$10,000"

2. Title, line 6.

Following: "DATE"

Insert: ", AN APPLICABILITY DATE, AND"

3. Page 1, line 14.

Following: "tools"

Insert: "that are not exempt under 15-6-201(1)(r)"

4. Page 1, line 16.

Following: "tools"

Insert: "that are not exempt under 15-6-201(1)(r)"

5. Page 2, line 15.

Strike: "\$25,000"

Insert: "\$10,000"

Following: the first "of"

Insert: "the nonexempt"

Following: "tax"

Insert: "as provided in 15-6-201(1)(x)"

6. Page 4, line 15.

Strike: "\$25,000"

Insert: "\$15,000"

7. Page 4, lines 18 and 19.

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Strike: "class" on line 18 through "15-6-138" on line 19

Insert: "tools owned by the taxpayer that are customarily hand-held and that are used to:

- (i) construct, repair, and maintain improvements to real property; or
- (ii) repair and maintain machinery, equipment, appliances, or other personal property"

8. Page 5, line 2.

Following: "61-3-456"

Insert: ";

(x) after the exemption of all property allowed under this section, an additional \$10,000 of market value of class eight property under 15-6-138"

9. Page 5, line 26.

Following: "date"

Insert: "-- applicability"

Following: "1997"

Insert: ", and applies to tax years beginning after December 31, 1997"

Amendment #1 passed as follows:

Ayes: Adams, Ahner, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Anderson, Hayne, Marshall, Rehbein, Ryan.

Total 5

Excused: Kasten.

Total 1

Absent or not voting: Arnott, Bergsagel.

Total 2

Representative Mercer moved HB 471, second reading copy, be further amended as follows (amendment #2):

1. Title, line 6.

Following: "DATE"

Insert: "AND A CONTINGENT VOIDNESS PROVISION"

2. Page 5, line 25.

Insert: "NEW SECTION. Section 3. Contingent voidness. In order to maintain a balanced budget, because [this act] reduces revenue, it may not be transmitted to the governor unless a corresponding identified reduction in spending is contained in House Bill No. 2. If a corresponding identified reduction in spending is not contained in House Bill No. 2, [this act] is void."

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Renumber: subsequent section

Amendment #2 passed as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellis, Ewer, Feland, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Hibbard, Holland, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Mills, Molnar, Mood, Ohs, Orr, Rehbein, Rose, Simon, Simpkins, Sliter, Smith, Soft, Squires, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 67

Noes: Arnott, Boharski, Carey, Cobb, Dowell, Ellingson, Galvin, Hagener, Harper, Harrington, Hurdle, J. Johnson, Jore, Krenzler, Menahan, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Swanson, Tropila, Tuss, Whitehead, Wyatt.

Total 31

Excused: Kasten.

Total 1

Absent or not voting: Barnhart.

Total 1

Motion that HB 471 do pass, as amended, carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, H.S. Hanson, Harper, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 83

Noes: Boharski, Curtiss, Denny, Hagener, M. Hanson, Harrington, Hayne, Jore, Kasten, Orr, Taylor, Vick, Wagner, Walters, Wyatt.

Total 15

Voted Absentee: Kasten, No.

Excused: None.

Total 0

Absent or not voting: Grimes, Soft.

Total 2

SB 88 - Representative Devaney moved SB 88 be concurred in.

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Representative Rehbein moved for cloture. Motion carried.

Motion to concur in SB 88 failed as follows:

Ayes: Ahner, Bergman, Bitney, Cocchiarella, DeBruycker, Devaney, Ewer, Gillan, Hagener, H.S. Hanson, R. Johnson, Lawson, Menahan, Quilici, Ream, Sands, Squires, Stovall, Tash, Tropila.
Total 20

Noes: Adams, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergsagel, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Curtiss, Denny, Dowell, Ellingson, Ellis, Feland, Galvin, Grady, Grimes, Grinde, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Marshall, Masolo, McCann, McCulloch, McGee, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Raney, Rehbein, Rose, Ryan, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Story, Swanson, Taylor, Trexler, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 79

Voted Absentee: Kasten, No.

Excused: None.
Total 0

Absent or not voting: Heavy Runner.
Total 1

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman McCulloch moved that the Committee of the Whole report be adopted. Report adopted. (84-4)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 67 concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Ewer, Feland, Grady, Grimes, Grinde, M. Hanson, Hayne, Hibbard, Holland, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McGee, Mills, Mood, Ohs, Pavlovich, Prouse, Quilici, Raney, Rehbein, Rose, Simon, Simpkins, Simpson, Sliter, Smith, Story, Stovall, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.
Total 60

Noes: Adams, Arnott, Barnhart, Boharski, Brainard, Carey, Cocchiarella, Dowell, Ellingson, Galvin, Gillan, Hagener, H.S. Hanson, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Kottel, Krenzler, McCann, McCulloch, Menahan, Molnar, Orr, Pease, Peck, Ream, Ryan, Sands, Soft, Squires, Swanson, Tuss, Whitehead, Wyatt.
Total 39

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Voted Absentee: Kasten, No.

Excused: None.

Total 0

Absent or not voting: Schmidt.

Total 1

HB 17 passed as follows:

Ayes: Ahner, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Cobb, Cocchiarella, DeBruycker, Devaney, Dowell, Ellingson, Ewer, Feland, Galvin, Grady, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, Keenan, Kitzenberg, Kottel, Krenzler, Lawson, Marshall, McCulloch, McGee, Menahan, Ohs, Pavlovich, Quilici, Rehbein, Rose, Ryan, Simon, Simpkins, Simpson, Sliter, Smith, Squires, Stovall, Tash, Tropila, Tuss, Wagner, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 59

Noes: Adams, Arnott, Bankhead, Barnett, Barnhart, Bergsagel, Boharski, Brainard, Clark, Curtiss, Denny, Ellis, Gillan, Grimes, M. Hanson, R. Johnson, Jore, Kasten, Knox, Masolo, McCann, Mills, Molnar, Mood, Orr, Pease, Peck, Prouse, Raney, Ream, Sands, Schmidt, Soft, Story, Swanson, Taylor, Vick, Walters, Wyatt.

Total 39

Voted Absentee: Kasten, No.

Excused: None.

Total 0

Absent or not voting: Anderson, Trexler.

Total 2

HB 150 passed as follows:

Ayes: Ahner, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Dowell, Ellingson, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Heavy Runner, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Kottel, Krenzler, Marshall, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simpkins, Simpson, Smith, Soft, Squires, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Vick, Wells, Whitehead, Wiseman, Wyatt, Zook.

Total 75

Noes: Adams, Anderson, Arnott, Bankhead, Bergsagel, Boharski, Devaney, Ellis, M. Hanson, Hayne, Hibbard, Jore, Keenan, Knox, Lawson, Masolo, Prouse, Rehbein, Simon, Sliter, Story, Taylor, Wagner, Walters, Mr. Speaker.

Total 25

Voted Absentee: Kasten, Aye.

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 166 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Adams, DeBruycker, Jore, Kasten, Lawson, Peck, Rehbein.

Total 7

Voted Absentee: Kasten, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 169 passed as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, Denny, Devaney, Ellis, Ewer, Feland, Gillan, Grady, Grinde, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Keenan, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Quilici, Raney, Rose, Sands, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Tropila, Vick, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 67

Noes: Adams, Arnott, Barnhart, Boharski, Carey, Cocchiarella, DeBruycker, Dowell, Ellingson, Galvin, Grimes, Hagener, Harper, Harrington, Hurdle, Jore, Kasten, Kitzenberg, Orr, Pavlovich, Pease, Peck, Prouse, Ream, Rehbein, Ryan, Schmidt, Simpson, Squires, Swanson, Tuss, Wagner, Whitehead.

Total 33

Voted Absentee: Kasten, No.

Excused: None.

Total 0

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Absent or not voting: None.

Total 0

HB 177 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Devaney, Ellis, Feland, Gillan, Grady, Grimes, Grinde, M. Hanson, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Marshall, Masolo, McCann, McGee, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Peck, Prouse, Quilici, Rose, Ryan, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Zook.
Total 77

Noes: Boharski, Carey, Cocchiarella, Denny, Dowell, Ellingson, Ewer, Galvin, Hagener, H.S. Hanson, Harper, Heavy Runner, Lawson, McCulloch, Menahan, Pease, Raney, Ream, Rehbein, Sands, Wagner, Wyatt.
Total 22

Voted Absentee: Kasten, Aye.

Excused: None.

Total 0

Absent or not voting: Mr. Speaker.

Total 1

HB 281 passed as follows:

Ayes: Ahner, Barnhart, Beaudry, Bohlinger, Bookout, Carey, Cobb, Cocchiarella, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kitzenberg, Kottel, Krenzler, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Squires, Story, Swanson, Tropila, Tuss, Whitehead, Wyatt.
Total 54

Noes: Adams, Anderson, Arnott, Bankhead, Barnett, Bergman, Bergsagel, Bitney, Boharski, Brainard, Clark, Curtiss, DeBruycker, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Lawson, Marshall, McGee, Mood, Ohs, Orr, Prouse, Rehbein, Rose, Soft, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.
Total 45

Voted Absentee: Kasten, No.

Excused: None.

Total 0

Absent or not voting: Devaney.

Total 1

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HB 298 passed as follows:

Ayes: Ahner, Barnett, Barnhart, Beaudry, Bitney, Bohlinger, Carey, Clark, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, Menahan, Mood, Ohs, Pavlovich, Pease, Quilici, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Whitehead, Zook, Mr. Speaker.

Total 61

Noes: Adams, Arnott, Bankhead, Bergman, Bergsagel, Boharski, Bookout, Brainard, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grinde, J. Johnson, Jore, Kasten, Keenan, McCann, McGee, Mills, Molnar, Orr, Peck, Prouse, Raney, Rehbein, Sliter, Smith, Tuss, Vick, Wagner, Walters, Wells, Wiseman, Wyatt.

Total 38

Voted Absentee: Kasten, No.

Excused: None.

Total 0

Absent or not voting: Anderson.

Total 1

HB 398 passed as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnhart, Beaudry, Bergman, Bergsagel, Bohlinger, Bookout, Carey, Clark, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Peck, Quilici, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 77

Noes: Arnott, Barnett, Bitney, Boharski, Brainard, Cobb, Curtiss, Galvin, Hayne, Jore, Keenan, McGee, Orr, Pease, Prouse, Raney, Sliter, Story, Vick, Wagner, Walters, Wyatt.

Total 22

Voted Absentee: Kasten, Aye.

Excused: None.

Total 0

Absent or not voting: Pavlovich.

Total 1

HB 500 passed as follows:

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Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Curtiss, Denny, Devaney, Dowell, Ellis, Feland, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Kottel, Marshall, Masolo, McCann, McGee, Mills, Molnar, Mood, Ohs, Orr, Peck, Prouse, Raney, Rehbein, Rose, Sands, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 66

Noes: Adams, Barnhart, Cocchiarella, DeBruycker, Ellingson, Ewer, Galvin, Gillan, Grady, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kitzenberg, Krenzler, Lawson, McCulloch, Menahan, Pavlovich, Pease, Quilici, Ream, Ryan, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.

Total 34

Voted Absentee: Kasten, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 567 passed as follows:

Ayes: Ahner, Anderson, Bankhead, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Denny, Dowell, Ellingson, Ewer, Feland, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 76

Noes: Adams, Arnott, Barnett, Bergsagel, Boharski, Brainard, Curtiss, DeBruycker, Devaney, Hayne, Jore, Kasten, Keenan, McCann, Mills, Molnar, Orr, Prouse, Trexler, Vick, Wagner, Walters.

Total 22

Voted Absentee: Kasten, No.

Excused: None.

Total 0

Absent or not voting: Ellis, Grady.

Total 2

HB 578 passed as follows:

Ayes: Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Ewer, Feland, Galvin, Grady, Grimes, Grinde,

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H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Marshall, Masolo, McGee, Mills, Molnar, Mood, Ohs, Orr, Rehbein, Rose, Sands, Simon, Simpkins, Sliter, Smith, Soft, Squires, Story, Stovall, Tash, Taylor, Trexler, Tuss, Wagner, Walters, Wells, Wyatt, Zook, Mr. Speaker.
Total 65

Noes: Adams, Ahner, Barnhart, Boharski, Carey, Cocchiarella, Ellingson, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hurdle, Jore, Kottel, Krenzler, Lawson, McCann, McCulloch, Menahan, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Ryan, Schmidt, Simpson, Swanson, Tropila, Vick, Whitehead, Wiseman.
Total 35

Voted Absentee: Kasten, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 584 passed as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, Keenan, Kitzenberg, Knox, Kottel, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mood, Ohs, Pavlovich, Pease, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.
Total 79

Noes: Adams, Arnott, Brainard, DeBruycker, Hagener, Hurdle, R. Johnson, Jore, Kasten, Krenzler, Mills, Molnar, Orr, Peck, Prouse, Rehbein, Simpson, Smith, Vick, Wagner, Wyatt.
Total 21

Voted Absentee: Kasten, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 597 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Feland, Galvin, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich,

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Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Ewer, Hagener, Hurdle, Kasten, Keenan, McGee, Tuss.

Total 7

Voted Absentee: Kasten, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 598 passed as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Arnott, Bergsagel, Boharski, Brainard, DeBruycker, Jore, Molnar, Vick, Wagner, Walters.

Total 10

Voted Absentee: Kasten, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 599 passed as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells,

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Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Arnott, Brainard, DeBruycker, Jore, Kasten, Ream.

Total 6

Voted Absentee: Kasten, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 601 passed as follows:

Ayes: Ahner, Bankhead, Barnhart, Beaudry, Bohlinger, Carey, Cobb, Cocchiarella, Dowell, Ellingson, Feland, Galvin, Gillan, Grady, Hagener, H.S. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kitzenberg, Kottel, Marshall, Masolo, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Smith, Squires, Swanson, Tash, Tropila, Tuss, Whitehead, Wiseman, Wyatt.

Total 51

Noes: Adams, Anderson, Arnott, Barnett, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Ewer, Grimes, Grinde, M. Hanson, Hayne, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Krenzler, Lawson, McCann, McGee, Molnar, Orr, Pease, Prouse, Rehbein, Simpkins, Sliter, Soft, Story, Stovall, Taylor, Trexler, Vick, Wagner, Walters, Wells, Zook, Mr. Speaker.

Total 49

Voted Absentee: Kasten, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 607 passed as follows:

Ayes: Adams, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

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Noes: Ahner, Arnott, Bergman, DeBruycker, Masolo, McGee, Wagner.

Total 7

Voted Absentee: Kasten, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 610 passed as follows:

Ayes: Ahner, Anderson, Beaudry, Bohlinger, Carey, Cocchiarella, Devaney, Dowell, Ellingson, Ellis, Feland, Galvin, Gillan, Grady, Hagener, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, Kitzenberg, Knox, Kottel, Lawson, McCulloch, McGee, Menahan, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Ryan, Schmidt, Simon, Simpkins, Simpson, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Whitehead, Zook.

Total 51

Noes: Adams, Arnott, Bankhead, Barnett, Barnhart, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Ewer, Grimes, Grinde, H.S. Hanson, Hayne, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Krenzler, Marshall, Masolo, McCann, Mills, Molnar, Mood, Orr, Rehbein, Rose, Sliter, Smith, Soft, Taylor, Tuss, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Mr. Speaker.

Total 48

Voted Absentee: Kasten, No.

Excused: None.

Total 0

Absent or not voting: Sands.

Total 1

HB 612 passed as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Arnott, Bergsagel, DeBruycker, Keenan.

Total 4

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Voted Absentee: Kasten, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJR 24 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Ellis, Kasten, Mills, Rehbein.

Total 4

Voted Absentee: Kasten, No.

Excused: None.

Total 0

Absent or not voting: Keenan.

Total 1

HB 391 passed as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: Adams, Arnott, Curtiss, Jore, Kasten, Keenan, McGee, Orr, Vick, Wagner.

Total 10

Voted Absentee: Kasten, No.

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Excused: None.

Total 0

Absent or not voting: Bergman, Ellis.

Total 2

REPORTS OF STANDING COMMITTEES

BUSINESS & LABOR (Simon, Chairman):

3/27/97

SB 259, be concurred in. Report adopted.

JUDICIARY (Clark, Chairman):

3/27/97

SB 201, be concurred in. Report adopted.

SB 329, be concurred in. Report adopted.

SB 383, be concurred in. Report adopted.

MOTIONS

HB 126 - Representative Cobb moved the House reconsider its action on HB 126 taken on second reading the previous legislative day. Motion failed. (39-59)

HB 481 - Representative Anderson moved HB 481 be taken from the table in the Committee on Transportation, printed, and placed on second reading the next legislative day. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 7:45 a.m., Friday, March 28, 1997. Motion carried.

House adjourned at 3:34 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana
March 28, 1997

House Chambers
State Capitol

House convened at 7:45 a.m. Mr. Speaker in the Chair. Invocation by Representative Denny. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives Heavy Runner, Kasten, McCann, McCulloch, Smith, Wagner, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journal for the sixty-fifth legislative day, find the same to be correct.

Hayne, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman):

3/28/97

Correctly printed for second reading: SB 201, SB 259, SB 329, SB 383.

Correctly engrossed for third reading: HB 471, HB 163, SB 343, SB 195.

Delivered to the Governor for his approval at 8:40 a.m., March 28, 1997: HB 540, HB 341, HB 63, HB 495, HB 90, HB 91, HB 363, HB 375, HB 154, HB 319, HB 322, HB 412, HB 532.

STATE ADMINISTRATION (Denny, Chairman):

3/27/97

SB 87, be amended as follows:

1. Title, line 7

Following: " ; "

Insert: "PROVIDING THAT THE FEES BE DEPOSITED INTO AN INTERNAL SERVICE FUND ;"

2. Page 2, line 8.

Strike: "pursuant to 17-6-105"

Insert: "into an internal service fund"

And, as amended, be concurred in. Report adopted.

SB 296, be concurred in. Report adopted.

SB 325, be amended as follows:

1. Title, line 5.

Following: "MINES"

Insert: " , OTHER THAN SAND AND GRAVEL OPERATIONS , "

2. Title, line 7.

Strike: the first "AND"

Following: "MCA"

Insert: " ; AND PROVIDING A DELAYED EFFECTIVE DATE "

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3. Page 1, line 18.

Following: "conclusion"

Insert: "for metallic and nonmetallic noncoal mines (other than sand and gravel operations)"

4. Page 2, line 9.

Following: "Inspectors."

Strike: "As"

Insert: "(1) Except as provided in subsection (2), as"

5. Page 2.

Following: line 16

Insert: "(2) The department is authorized to employ an adequate number of qualified inspectors for sand and gravel mining operations and to prescribe the powers, duties, and responsibilities of those inspectors."

6. Page 2, line 19.

Following: "authorized."

Strike: "As"

Insert: "(1) Except as provided in subsection (2), as"

7. Page 2, line 26.

Strike: "(1)"

Insert: "(a)"

8. Page 2, line 29.

Strike: "(2)"

Insert: "(b)"

9. Page 2.

Following: line 30

Insert: "(2) The department is authorized to make inspections and investigations with respect to sand and gravel mining operations for the purposes prescribed under subsections (1)(a) and (1)(b)."

NEW SECTION. Section 4. Effective date. [This act] is effective July 1, 1998."

And, as amended, be concurred in. Report adopted.

SB 338, be amended as follows:

1. Title, line 5.

Following: ";"

Insert: "DEREGULATING FOOD SERVICE IN CERTAIN ESTABLISHMENTS THAT SERVE FOOD ONLY TO REGISTERED GUESTS;"

2. Page 2, line 11.

Following: "include"

Strike: "a seasonal establishment or a small"

Insert: "an"

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3. Page 4, lines 27 and 28.

Following: "home" on line 27

Strike: "THAT PROVIDES SLEEPING ACCOMMODATIONS FOR NINE OR MORE GUESTS AT ONE TIME"

4. Page 6, line 30.

Following: "a"

Strike: "A"

Insert: "Except as provided in subsection (2), a"

5. Page 7.

Following: line 2

Insert: "(2) A guest ranch or an outfitting and guide facility that does not meet the definitions in 50-51-102 and that provides accommodations to fewer than nine people during each day of operation is not required to obtain a license under subsection (1)."

Renumber: subsequent subsections

And, as amended, be concurred in. Report adopted.

SJR 14, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

House bill not concurred in and returned to the House:

3/26/97

HB 387, introduced by Simon

House bills concurred in and returned to the House:

3/27/97

HB 316, introduced by Krenzler

HB 478, introduced by Wiseman

HB 480, introduced by Grimes

HB 496, introduced by Feland

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 3/27/97

HB 399, introduced by Tuss

HB 431, introduced by Quilici

HB 491, introduced by Rehbein

HB 521, introduced by Ryan

The Senate, on 3/27/97, rejected House amendments to **SB 48**, appointed a free conference committee, and requested the House to appoint a like committee to confer on **SB 48**.

President Aklestad appointed the following members:

Senator Sprague, Chairman

Senator Swysgood

Senator Halligan

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The Senate, on 3/27/97, rejected House amendments to **SB 61**, appointed a free conference committee, and requested the House to appoint a like committee to confer on SB 61.

President Aklestad appointed the following members:

Senator Keating, Chairman
Senator Baer
Senator Stang

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 163 passed as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Cocchiarella, DeBruycker, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Vick, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 77

Noes: Adams, Arnott, Bergsagel, Boharski, Brainard, Clark, Cobb, Curtiss, Devaney, Grinde, Holland, Jore, McGee, Molnar, Orr, Prouse, Rehbein, Sliter, Story, Trexler, Wagner, Walters, Wells.

Total 23

Voted Absentee: Heavy Runner, Kasten, McCann, McCulloch, Smith, Ayes; Wagner, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 343 concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

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Noes: Adams, Jore, McGee, Prouse, Wells.
Total 5

Voted Absentee: Heavy Runner, Kasten, McCann, McCulloch, Smith, Wagner, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 195 concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Bookout, Brainard, Clark, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Feland, Grady, Grimes, Grinde, M. Hanson, Harrington, Hayne, Hibbard, Holland, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Quilici, Raney, Rehbein, Rose, Ryan, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Tash, Taylor, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.
Total 67

Noes: Adams, Barnhart, Boharski, Bohlinger, Carey, Cobb, DeBruycker, Ewer, Galvin, Gillan, Hagener, H.S. Hanson, Harper, Heavy Runner, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Kottel, Krenzler, Orr, Pease, Peck, Prouse, Ream, Sands, Schmidt, Swanson, Trexler, Tropila, Tuss, Wyatt.
Total 33

Voted Absentee: McCann, McCulloch, Smith, Wagner, Ayes; Heavy Runner, Kasten, Noes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

SB 195 - Representative Tuss moved she be allowed to change her vote on SB 195, third reading, from aye to nay. Motion carried.

HB 481 - Representative Anderson moved HB 481 be placed back on the table in the Committee on Transportation per his motion the previous legislative day.

Representative Anderson moved the rules be suspended to permit the late drafting and introduction of a bill. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

HOUSE JOURNAL
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Representative Grinde moved the House adjourn until 5:00 p.m., Wednesday, April 2, 1997. Motion carried.

House adjourned at 7:58 a.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL
SIXTY-NINTH LEGISLATIVE DAY**

Helena, Montana
April 2, 1997

House Chambers
State Capitol

House convened at 5:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Bankhead. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives Rehbein, Simpkins, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman):

4/2/97

Correctly printed for second reading: SB 87, SB 325, SB 338, SB 296, SJR 14.

Correctly enrolled: HB 316, HB 478, HB 480, HB 496.

JUDICIARY (Clark, Chairman):

3/27/97

SB 219, be amended as follows:

1. Page 1, line 24 and page 2, line 29.

Strike: "AN OFFICIAL CAPACITY"

Insert: "the course and scope of employment"

And, as amended, be concurred in. Report adopted.

SB 263, be amended as follows:

1. Page 3, line 3.

Strike: "Further" through "account."

2. Page 3, line 4.

Following: line 3

Insert: "CHANGING TERMS OF ACCOUNT [Select One and Each Party Initial]:

.....MULTIPLE-PARTY ACCOUNT'S TERMS MAY BE CHANGED BY
A SINGLE PARTY

.....MULTIPLE-PARTY ACCOUNT'S TERMS MAY BE CHANGED
ONLY BY AGREEMENT OF ALL PARTIES"

And, as amended, be concurred in. Report adopted.

SB 314, be amended as follows:

1. Page 2, lines 1 and 2.

Strike: ", or" on line 1 through "district" on line 2

2. Page 2, line 5.

Following: "1"

Insert: "or"

3. Page 2, line 6.

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Strike: "or"
Insert: "."

4. Page 2, line 7.

Strike: subsection (c) in its entirety

And, as amended, be concurred in. Report adopted.

SB 369, be amended as follows:

1. Page 1, line 26 through line 3 of page 2.

Strike: subsection (3) in its entirety

Insert: "(3) A parent, guardian, or other person supervising the welfare of a child less than 16 years of age may verbally or in writing request a person who is 18 years of age or older and who has no legal right of supervision or control over the child to stop contacting the child if the requestor believes that the contact is not in the child's best interests. If the person continues to contact the child, the parent, guardian, or other person supervising the welfare of the child may petition or the county attorney may upon the person's request petition for an order of protection under Title 40, chapter 15. To the extent that they are consistent with this subsection, the provisions of Title 40, chapter 15, apply. A person who purposely or knowingly violates an order of protection commits the offense of endangering the welfare of children and upon conviction shall be sentenced as provided in subsection (4)."

And, as amended, be concurred in. Report adopted.

LOCAL GOVERNMENT (Mills, Chairman):

3/28/97

SB 27, be concurred in. Report adopted.

SB 51, be concurred in. Report adopted.

SB 159, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

House bills concurred in and returned to the House:

3/28/97

HB 160, introduced by Tash

HB 174, introduced by Smith

HB 278, introduced by Stovall

HB 318, introduced by Gillan

HB 377, introduced by Ryan

HB 421, introduced by Denny

HB 533, introduced by Devaney

HB 544, introduced by Grady

HB 560, introduced by Peck

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 3/28/97

HB 78, introduced by Simpkins

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HB 136, introduced by Wiseman
HB 140, introduced by Krenzler
HB 406, introduced by Bankhead
HB 517, introduced by Vick
HB 524, introduced by Anderson
HB 534, introduced by Wells
HB 554, introduced by Simpkins
HB 559, introduced by Grimes

MESSAGES FROM THE GOVERNOR

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 27, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 46 sponsored by Representative Grinde on March 27, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 27, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 381 sponsored by Representative Hibbard et al. on March 27, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 27, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 506 sponsored by Representative Story on March 27, 1997.

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SIXTY-NINTH LEGISLATIVE DAY - APRIL 2, 1997

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena MT 59620

March 31, 1997

The Honorable Gary Aklestad
President of the Senate
State Capitol
Helena MT 59620

Dear Speaker Mercer and President Aklestad:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return House Bill 384, **"AN ACT EXCLUDING FROM INHERITANCE TAXES ANY INTEREST IN AND THE REAL PROPERTY AND TANGIBLE PERSONAL PROPERTY OF CLOSELY HELD BUSINESSES THAT ARE TRANSFERRED TO THE LINEAL DESCENDANTS OF THE DECEDENT'S GRANDPARENTS; AMENDING SECTIONS 72-16-101, 72-16-453, AND 72-16-455, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."**

House Bill 384, which provides an exemption from inheritance taxes for certain property, is effective immediately upon passage and approval and is retroactive to estates of persons who die after December 31, 1996. Based upon a Department of Revenue sampling of recently-filed inheritance tax returns, it is estimated that House Bill 384 would reduce inheritance taxes by at least \$1.1 million per year.

Due to the projected increase in expenditures for juvenile and adult corrections that are essential to the preservation of public safety and the prevention of crime, education costs in the next biennium that have not been provided for, the decrease in estimated revenues reflected in House Joint Resolution 2, and a higher ending fund balance than was maintained in previous bienniums, it is not possible at this time to conclude that there are sufficient revenues to both provide for a tax reduction proposed by House Bill 384 and fund necessary state services at a proper level. Therefore, I am returning House Bill 384 with a proposed amendment that it not become effective until January 1, 2000, so that there will be no diminution of revenues during the coming biennium.

Representative Ellis, the bill's sponsor, has been informed of the need for this amendment.

Sincerely,

MARC RACICOT
Governor

GOVERNOR'S AMENDMENTS
TO HOUSE BILL 384

1. Title, line 14.

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Strike: "IMMEDIATE"

2. Title, line 15.

Strike: "AND" through "DATE"

3. Page 4, lines 14 and 15.

Strike: "passage" on line 14 through "1996" on line 15

Insert: "January 1, 2000"

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 1, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 317 sponsored by Representative Gillan on April 1, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 1, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 319 sponsored by Representative Gillan on April 1, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 1, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 322 sponsored by Representative McCulloch et al. on April 1, 1997.

Sincerely,

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MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 1, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 363 sponsored by Representative Anderson on April 1, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 1, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 375 sponsored by Representative Ryan et al. on April 1, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 1, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 489 sponsored by Representative Story on April 1, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 1, 1997

HOUSE JOURNAL
SIXTY-NINTH LEGISLATIVE DAY - APRIL 2, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 540 sponsored by Representative Orr et al. on April 1, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 1, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 577 sponsored by Representative Molnar et al. on April 1, 1997.

Sincerely,

MARC RACICOT
Governor

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 8:00 a.m., Thursday, April 3, 1997. Motion carried.

House adjourned at 5:10 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY**

Helena, Montana
April 3, 1997

House Chambers
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Holland. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journal for the sixty-sixth legislative day, find the same to be correct.

Hayne, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman):

4/3/97

Correctly printed for second reading: SB 219, SB 263, SB 314, SB 369, SB 27, SB 51, SB 159.

Examined by the sponsor and found to be correct: HB 159, HB 316, HB 466, HB 478, HB 480, HB 496.

Signed by the Speaker at 11:56 a.m., April 3, 1997: HB 316, HB 478, HB 496, HB 466, HB 159, HB 480.

BUSINESS & LABOR (Simon, Chairman):

4/2/97

SB 266, be concurred in. Report adopted.

SB 286, be concurred in. Report adopted.

SB 290, be amended as follows:

1. Page 5, line 17.

Strike: subsection (G) in its entirety

Renumber: subsequent subsections

And, as amended, be concurred in. Report adopted.

SB 350, be amended as follows:

1. Title, line 6.

Following: ";

Insert: "TRANSFERRING THE STAFF OF THE COMMISSION TO THE DEPARTMENT OF LABOR AND
INDUSTRY;"

2. Title, line 7.

Strike: "COMMISSION STAFF"

Insert: "THE DEPARTMENT"

3. Title, line 8.

Strike: "COMMISSION TO ADOPT"

Insert: "ADOPTION OF"

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SEVENTIETH LEGISLATIVE DAY - APRIL 3, 1997

4. Title, line 10.

Strike: "ITS"

5. Title, line 13.

Strike: "COMMISSION"

Insert: "COMMISSIONER"

Strike: "NOT"

6. Title, lines 14 and 15.

Strike: "COMMISSION STAFF" on line 14

Insert: "THE DEPARTMENT"

Following: "WITHIN" on line 14

Strike: remainder of line 14 through "DAY" on line 15

Insert: "10 BUSINESS DAYS"

Strike: "COMMISSION"

Insert: "DEPARTMENT"

7. Title, line 16.

Strike: "COMMISSION STAFF"

Insert: "THE DEPARTMENT"

8. Title, line 18.

Strike: "COMMISSION"

Insert: "DEPARTMENT"

Strike: "REMOVAL"

Insert: "THE FILING"

Strike: "TO"

Insert: "IN"

9. Title, lines 19 and 20.

Following: ";" on line 19

Strike: remainder of line 19 through "NOVO;" on line 20

10. Title, line 21.

Following: "2-15-1706,"

Insert: "39-1-102, 49-2-101,"

11. Title, line 22.

Strike: "49-2-305,"

Following: "49-2-509,"

Insert: "AND"

12. Title, line 23.

Strike: "AND 49-2-601,"

Following: ";"

Insert: "REPEALING SECTIONS 49-2-201, 49-2-502, 49-3-304, 49-3-305, 49-3-306, 49-3-307, 49-3-308, 49-3-309, 49-3-310, 49-3-311, AND 49-3-312, MCA;"

Strike: "IMMEDIATE"

Strike: "A RETROACTIVE"

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Insert: "AN"

13. Page 1, line 29.

Strike: "commission"

14. Page 1, line 30.

Strike: "of labor"

15. Page 2, line 1.

Strike: "commission staff"

Insert: "department"

16. Page 2, line 2.

Strike: "or assist"

17. Page 2, line 3.

Following: "commission"

Insert: "and the department"

18. Page 2, line 4.

Following: "."

Insert: "It is not the intent of the legislature that the department be prohibited from dismissing matters, from referring matters to other agencies following an initial inquiry and interview, or from reaching a decision in an investigation or contested case hearing."

19. Page 2, line 17.

Insert: "Section 3. Section 39-1-102, MCA, is amended to read:

"39-1-102. Duties of department. The department shall enforce all the laws of Montana relating to hours of labor, conditions of labor, prosecution of employers who default in payment of wages, protection of employees, and all laws relating to child labor ~~which~~ that regulate the employment of children in any manner and shall administer the laws of the state relating to free employment offices and all other state labor laws. The department shall investigate and enforce the laws prohibiting discrimination contained in Title 49, chapters 2 and 3, and provide a means for conciliation between parties."

Section 4. Section 49-2-101, MCA, is amended to read:

"49-2-101. Definitions. As used in this chapter, unless the context requires otherwise, the following definitions apply:

(1) "Age" means number of years since birth. It does not mean level of maturity or ability to handle responsibility. These latter criteria may represent legitimate considerations as reasonable grounds for discrimination without reference to age.

(2) "Aggrieved party" means a person who can demonstrate a specific personal and legal interest, as distinguished from a general interest, and who has been or is likely to be specially and injuriously affected by a violation of this chapter.

~~(2)~~(3) "Commission" means the commission for human rights provided for in 2-15-1706.

(4) "Commissioner" means the commissioner of labor and industry provided for in 2-15-1701.

~~(3)~~(5) "Credit" means the right granted by a creditor to a person to defer payment of a debt, to incur debt and defer its payment, or to purchase property or services and defer payment. It includes without limitation the right to incur and defer debt that is secured by residential real property.

~~(4)~~(6) "Credit transaction" means any invitation to apply for credit, application for credit, extension of

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credit, or credit sale.

~~(5)~~(7) "Creditor" means a person who, regularly or as a part of the person's business, arranges for the extension of credit for which the payment of a financial charge or interest is required, whether in connection with loans, sale of property or services, or otherwise.

~~(8)~~ "Department" means the department of labor and industry provided for in 2-15-1701.

~~(6)~~(9) "Educational institution" means a public or private institution and includes an academy; college; elementary or secondary school; extension course; kindergarten; nursery; school system; university; business, nursing, professional, secretarial, technical, or vocational school; or agent of an educational institution.

~~(7)~~(10) "Employee" means an individual employed by an employer.

~~(8)~~(11) "Employer" means an employer of one or more persons or an agent of the employer but does not include a fraternal, charitable, or religious association or corporation if the association or corporation is not organized either for private profit or to provide accommodations or services that are available on a nonmembership basis.

~~(9)~~(12) "Employment agency" means a person undertaking to procure employees or opportunities to work.

~~(10)~~(13) "Financial institution" means a commercial bank, trust company, savings bank, finance company, savings and loan association, credit union, investment company, or insurance company.

~~(11)~~(14) "Housing accommodation" means a building or portion of a building, whether constructed or to be constructed, that is or will be used as the sleeping quarters of its occupants.

~~(12)~~(15) "Labor organization" means an organization or an agent of an organization organized for the purpose, in whole or in part, of collective bargaining, of dealing with employers concerning grievances or terms or conditions of employment, or of other mutual aid and protection of employees.

~~(13)~~(16) "National origin" means ancestry.

~~(17)~~(a) "Organization" means a corporation, association, or any other legal or commercial entity that engages in advocacy of, enforcement of, or compliance with legal interests affected by this chapter.

~~(b)~~ The term does not include a labor organization.

~~(14)~~(18) "Person" means one or more individuals, labor unions, partnerships, associations, corporations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated employees' associations, employers, employment agencies, organizations, or labor organizations.

~~(15)~~(19) (a) "Physical or mental disability" means:

- (i) a physical or mental impairment that substantially limits one or more of a person's major life activities;
- (ii) a record of such an impairment; or
- (iii) a condition regarded as such an impairment.

(b) Discrimination based on, because of, on the basis of, or on the grounds of physical or mental disability includes the failure to make reasonable accommodations that are required by an otherwise qualified person who has a physical or mental disability. An accommodation that would require an undue hardship or that would endanger the health or safety of any person is not a reasonable accommodation.

~~(16)~~(20) (a) "Public accommodation" means a place that caters or offers its services, goods, or facilities to the general public subject only to the conditions and limitations established by law and applicable to all persons. It includes without limitation a public inn, restaurant, eating house, hotel, roadhouse, place where food or alcoholic beverages or malt liquors are sold for consumption, motel, soda fountain, soft drink parlor, tavern, nightclub, trailer park, resort, campground, barbershop, beauty parlor, bathroom, resthouse, theater, swimming pool, skating rink, golf course, cafe, ice cream parlor, transportation company, or hospital and all other public amusement and business establishments.

(b) Public accommodation does not include an institution, club, or place of accommodation that proves that it is by its nature distinctly private. An institution, club, or place of accommodation may not be considered by its nature distinctly private if it has more than 100 members, provides regular meal service, and regularly receives payment for dues, fees, use of space, facilities, services, meals, or beverages, directly or indirectly, from or on behalf of nonmembers, for the furtherance of trade or business. For the

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purposes of this subsection ~~(16)~~ (20), any lodge of a recognized national fraternal organization is considered by its nature distinctly private.

~~(17) "Staff" or "commission staff" means the staff of the commission for human rights. "~~

Renumber: subsequent sections

20. Page 2, line 21.

Strike: "either under investigation by"

21. Page 2, line 22.

Strike: "or"

22. Page 2, line 24.

Following: line 23

Insert: "(2) The department's staff may request that a subpoena relating to a matter under investigation be issued by the commissioner or the commissioner's authorized representative. The authorized representative may not be involved in enforcement of human rights. The commissioner may subpoena witnesses, take testimony under oath, administer oaths, and require the production, for examination, of books, papers, or other intangible evidence.

(3) A party may request subpoenas from the commissioner for the purposes provided in subsection (2)."

Renumber: subsequent subsection

23. Page 2, line 28.

Strike: "Commission to adopt rules"

Insert: "Rules"

Following: "."

Insert: "(1)"

24. Page 2, line 29.

Following: "implement"

Insert: "the commission's responsibilities under"

25. Page 3, line 1.

Following: "rules"

Insert: "all applicable portions of"

26. Page 3, line 2.

Strike: "a portion of the Montana Code of Criminal Procedure."

Insert: "the procedural provisions of Title 46"

27. Page 3, line 3.

Following: line 2

Insert: "(2) The department shall adopt procedural and substantive rules necessary to implement the department's responsibilities under this chapter. Rules adopted under this chapter must comply with the Montana Administrative Procedure Act. For contested case hearings conducted pursuant to 49-2-505, the department shall adopt all applicable portions of the Montana Rules of Civil Procedure and the Montana Rules of Evidence."

28. Page 3, line 4 through page 7, line 4.

Strike: section 5 in its entirety

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Renumber: subsequent sections

29. Page 7, line 7.

Following: "filed"

Insert: "with the department"

Strike: "person"

Insert: "party"

30. Page 7, line 8.

Following: "."

Insert: "(2) A complaint may be filed on behalf of a party claiming to be aggrieved by a discriminatory practice prohibited by this chapter if the person acting on behalf of the aggrieved party is the aggrieved party's guardian, attorney, or duly authorized representative or an advocacy group, labor organization, or other organization acting as an authorized representative. (3)"

Renumber: subsequent subsections

31. Page 7, line 9.

Strike: "person"

Insert: "party"

32. Page 7, line 13.

Strike: "(2)(b)"

Insert: "(4)(b)"

33. Page 7, line 14.

Strike: "commission"

Insert: "department"

34. Page 7, line 24.

Following: "commission"

Insert: "or the department"

35. Page 7, line 28.

Following: "of"

Insert: "the commissioner or"

36. Page 8, line 2.

Strike: "settlement"

Insert: "investigation and conciliation"

Following: "."

Insert: "(1)(a)"

Strike: "commission staff"

Insert: "department"

37. Page 8, line 3.

Strike: "a filed"

Insert: "the"

Strike: "staff"

Insert: "department"

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38. Page 8, line 4.

Strike: "immediately try to"

Insert: "attempt to achieve a resolution of the complaint by conference, conciliation, and persuasion that, in addition to providing redress for the complaint, includes conditions that"

39. Page 8, line 5.

Strike: "by conference, conciliation, and persuasion"

Insert: ", if any, identified in the investigation"

Strike: "staff"

Insert: "department"

Strike: "upon the first working day"

Insert: "within 10 business days"

40. Page 8, line 6.

Strike: "potential"

41. Page 8, lines 7 and 8.

Following: "filed complaint"

Strike: remainder of line 7 through "complaint" on line 8

Following: "."

Insert: "If requested, the department shall also provide the parties with all other information related to the complaint in the possession of the department that is not currently in the possession of the parties or a party. The department shall make known to the parties the fact that information is available upon request. The department may not investigate a complaint until it has received notice that the respondent has received the department's notification of the complaint. (b) If a complaint is filed relative to an employment-related complaint and if the commissioner decides that the inclusion of documents or information contained in the complaint would seriously impede the rights of a person or the proper investigation of the complaint, the information may be excluded from the notification by providing a written summary of the information contained in the complaint. The written summary must include sufficient information to give maximum effect to the intent of this chapter.

(2) The respondent shall file an answer to a complaint filed with the department within 10 business days of the respondent's receipt of the complaint. An answer may be a response simply admitting or denying the allegations without further specificity or requesting additional information from the department. The time for filing an answer may be extended by a showing of good cause.

(3) The department shall commence proceedings within 30 days after receipt of a complaint.

(4) The department shall make a finding regarding the merit or nonmerit of the complaint within 180 days after a complaint is filed, except that the department shall make the finding within 120 days after a complaint is filed under 49-2-305."

42. Page 8, lines 12 through 15.

Strike: "staff" on line 12

Insert: "department"

Following: "shall" on line 12.

Strike: remainder of line 12 through "commission" on line 15

Insert: "hold a hearing on the complaint. The department shall serve notice of the hearing and a copy of the complaint on the parties"

Following: line 15

Insert: "(2)(a) If the parties mutually agree to permit the department to retain jurisdiction of the case under this chapter for a period of time that exceeds 12 months after the complaint was filed, then the parties shall

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stipulate to a schedule for proceedings to be established by the department.

(b) The department shall, not later than 395 days after the complaint was filed, set a date for an administrative hearing in the case.

(c) The case must be heard no later than 90 days after the date is set by the department. The department may, in its sole discretion, issue a continuance of the hearing date only upon a showing of good cause."

43. Page 8, line 16.

Strike: "(2)"

Insert: "(3)(a)"

Strike: "commission"

Insert: "department"

44. Page 8, line 17.

Strike: "the person, institution, entity, or agency"

Insert: "a party"

45. Page 8, line 18.

Following: "requests"

Insert: "and is granted"

46. Page 8, line 19.

Strike: "commission"

Insert: "department"

47. Page 8, line 21.

Following: "the"

Insert: "applicable portions of the"

Following: "Procedure"

Insert: "as adopted by the department"

48. Page 8, line 22.

Following: line 21

Insert: "(b) Upon request of the hearings officer, the department may present evidence with regard to activity conducted. However, except in cases brought pursuant to 42 U.S.C. 3601, et seq., the department may not represent either party in a contested case hearing.

(3) A party may appeal a decision of the hearings officer to the commission. A party shall provide notice of its appeal to the commission, the department, and all parties within 10 business days of receipt of the notice of decision of the administrative hearing. The commission shall hear all appeals within 120 days of receipt of notice of appeal. The commission shall render a decision within 90 days of hearing the appeal.

(4) All hearings conducted under this section may, upon stipulation of the parties, be heard telephonically."

Renumber: subsequent subsections

49. Page 8, lines 29 and 30.

Following: "commission" on line 29

Insert: "or the department, after a hearing,"

Following: "a" on line 29

Strike: remainder of line 29 through "agency" on line 30

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Insert: "party"

50. Page 9, line 1.

Following: "commission"

Insert: "or the department"

Following: the first "the"

Strike: remainder of line 1

Insert: "party"

51. Page 9, line 8.

Strike: "The"

Insert: "Except as provided in 49-2-510, the"

52. Page 9, lines 10 and 11.

Following: the first "commission" on line 10

Insert: "or department"

Following: "the" on line 10

Strike: remainder of line 10 through "staff" on line 11

Insert: "department"

53. Page 9, line 15.

Following: "commission"

Insert: "or department"

Following: "order"

Insert: "or conciliation agreement"

Strike: "commission's"

Following: "order"

Insert: "issued under 49-2-506"

54. Page 9, line 16.

Following: "~~or~~"

Insert: "the commissioner or"

55. Page 9, line 17.

Following: "commission's"

Insert: "or department's"

56. Page 9, line 18.

Following: "."

Insert: "The commissioner or a party may also commence a civil action in an appropriate district court for relief for a breach of a conciliation agreement."

57. Page 9, line 21.

Strike: "Removal"

Insert: "Conclusion"

Strike: "to"

Insert: "-- filing in"

58. Page 9, line 22.

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Strike: "commission staff"
Insert: "department"

59. Page 9, lines 23 and 24.
Following: "party," on line 23
Strike: remainder of line 23 through "court" on line 24
Insert: "conclude the administrative proceedings"
Following: "if"
Insert: ":",

60. Page 9, line 25.
Following: "~~a~~"
Strike: remainder line 25 through "49-2-505"
Insert: "(a) the department has completed its investigation in a complaint filed pursuant to 49-2-305; or
(b) 12 months have elapsed since the complaint was filed"

61. Page 9, line 27.
Strike: "commission"
Insert: "department"
Following: "to"
Strike: "permit removal of a case to district court"
Insert: "conclude the administrative proceedings"

62. Page 9, line 30.
Strike: the first "removal"
Insert: "the conclusion of the administrative proceedings"
Strike: "removal to"
Insert: "filing in"

63. Page 10, line 2.
Strike: "commission"
Insert: "department"

64. Page 10, line 3.
Strike: "removal"
Insert: "conclusion of the administrative proceedings"

65. Page 10, line 4.
Strike: "commission staff"
Insert: "department"

66. Page 10, line 5.
Strike: "commission"
Insert: "department"

67. Page 10, line 7.
Following: "commission"
Insert: "or the department"

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68. Page 10, line 8.

Strike: "staff's"

69. Page 10, line 9.

Strike: "commission"

Insert: "department"

Strike: "or"

70. Page 10, line 10.

Strike: "commission"

Insert: "department"

71. Page 10, line 11.

Strike: "substantial"

Insert: "a preponderance of the"

Following: "evidence"

Insert: "; or (d) the department determines that the commission or the department will not or cannot hold a hearing within 12 months after the filing of the complaint"

72. Page 10, line 12.

Strike: "commission"

Insert: "department"

73. Page 10, line 16.

Strike: "part"

Insert: "section"

74. Page 10, line 18.

Strike: "of dismissal"

Following: "subsection"

Insert: "(1) or"

75. Page 10, line 20.

Strike: "petition"

Insert: "commence a civil action in"

76. Page 10, line 21.

Strike: "claimant"

Insert: "complainant"

Strike: "petition"

Insert: "commence a civil action in"

77. Page 10, line 22.

Strike: "staff"

Insert: "or the department"

78. Page 10, line 29.

Following: the first "violation of"

Insert: "chapter 3 or"

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79. Page 10, line 30.

Strike: "Another"

Insert: "A"

80. Page 11, line 6.

Strike: "commission"

Insert: "department"

Following: "of"

Insert: "or on behalf of"

Strike: "person"

Insert: "party"

81. Page 11, line 7.

Following: "form"

Insert: ", verified by the aggrieved party,"

82. Page 11, line 8.

Strike: "commission"

Insert: "department"

Strike: "90"

Insert: "180"

83. Page 11, line 10.

Following: "the"

Insert: "department, on appeal, or the"

84. Page 11, line 11.

Strike: "person, institution, entity, or agency"

Insert: "party"

85. Page 11, line 12.

Following: "49-2-305, the"

Insert: "department or the"

86. Page 11, line 14.

Following: line 13

Insert: "to vindicate the public interest,"

Strike: "pursuant" through "state"

87. Page 12, line 12.

Strike: "commission"

Insert: "department"

Strike: "other"

Following: the second "and"

Insert: "other"

88. Page 12, line 14.

Following: "complainant"

Insert: ", the commissioner, or the aggrieved party"

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Strike: "shall"

Insert: "may"

89. Page 12, line 19.

Following: "action"

Insert: "on behalf of the aggrieved party if the department has made a finding that the allegations of the complaint are supported by a preponderance of the evidence. If the department has made a finding that the allegations of the complaint are not supported by a preponderance of the evidence, the complainant may commence a civil action in an appropriate district court in accordance with subsection (5). An aggrieved party with respect to the issues to be determined in a civil action brought by the department may intervene in the action"

90. Page 12, line 20.

Strike: "commission"

Insert: "department"

91. Page 12, line 22.

Strike: "person"

Insert: "party"

92. Page 12, line 29.

Strike: "person"

Insert: "party"

93. Page 13, line 1.

Strike: "commission" in 2 places

Insert: "department"

94. Page 13, line 2.

Strike: "person"

Insert: "party"

95. Page 13, line 3.

Strike: "person"

Insert: "party"

96. Page 13, lines 5 and 6.

Following: "commission" on line 5

Insert: "or the department"

Following: "after the" on line 5

Strike: remainder of line 5 through "trial" on line 6

Insert: "filing"

97. Page 13, line 8.

Strike: "person"

Insert: "party"

98. Page 13, line 9.

Following: "commission"

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Insert: "or the department"

99. Page 13, line 21.

Strike: "person, institution, entity, or agency"

Insert: "party"

100. Page 13, line 25.

Strike: "additional"

Insert: "punitive"

101. Page 14, line 12.

Following: "(7)"

Insert: "(a)"

Strike: "All"

Insert: "Except as provided in subsection (7)(b), all"

102. Page 14, line 16.

Following: line 15

Insert: "(b) Damages or penalties, whether monetary or otherwise, may not inure to an organization unless the organization is an aggrieved party. This section does not affect any amount owed to an aggrieved party."

103. Page 14, lines 17 through 26.

Strike: section 14 in its entirety

Renumber: subsequent sections

104. Page 14, line 27.

Insert: "NEW SECTION. Section 15. Enforcement. (1) When a possible violation of this chapter comes to the attention of the department, the commissioner may initiate a complaint on behalf of the department. The complaint must be signed by the commissioner.

(2) A person is not subject to penalties under this chapter if compliance with the provisions of this chapter would cause the person to violate the provisions of another state law.

NEW SECTION. Section 16. Enforcement and remedies. The procedures set forth in chapter 2, part 5, apply to complaints alleging a violation of this chapter.

NEW SECTION. Section 17. Staff transfer. The staff of the commission is transferred to the department. The staff is under the direction and control of the commissioner of labor and industry. The staff shall perform functions as directed and in accordance with the express and implied purposes of [this act]. The transfer of staff is subject to 2-15-131 through 2-15-137.

NEW SECTION. Section 18. Repealer. Sections 49-2-201, 49-2-502, 49-3-304, 49-3-305, 49-3-306, 49-3-307, 49-3-308, 49-3-309, 49-3-310, 49-3-311, and 49-3-312, MCA, are repealed."

Renumber: subsequent sections

105. Page 14, line 28.

Strike: "instruction"

Insert: "instructions"

Following: "."

Insert: "(1)"

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Strike: "Section"
Insert: "Sections"
Following: "1"
Insert: "and 15"
Strike: "is"
Insert: "are"

106. Page 14, line 30.

Strike: "section"
Insert: "sections"
Following: "1"
Insert: "and 15"

107. Page 15, lines 1 through 5.

Following: page 14
Insert: "(2) [Section 16] is intended to be codified as an integral part of Title 49, chapter 3, part 3, and the provisions of Title 49, chapter 3, part 3, apply to [section 16]."
Strike: "Retroactive applicability" on line 1
Insert: "Applicability -- saving clause"
Following: "." on line 1
Strike: remainder of line 1 through line 5 in its entirety
Insert: "[This act] does not affect any administrative or judicial proceeding pending or commenced prior to [the effective date of this act]. [This act] applies to complaints or proceedings filed on or after [the effective date of this act]."

108. Page 15, line 7.

Strike: "on passage and approval"
Insert: "July 1, 1997"

And, as amended, be concurred in. Report adopted.

SB 368, be amended as follows:

1. Title, line 5.

Following: "MACHINES;"
Insert: "REVISING THE ALLOCATION OF VIDEO GAMBLING MACHINE PERMIT FEES;"

2. Title, line 6.

Following: "~~23-5-612,~~"
Insert: "23-5-152, 23-5-612,"
Following: "23-5-614,"
Insert: ", "
Strike: "AN"
Strike: "DATE"
Insert: "DATES"

3. Page 2, line 2.

Insert: "Section 1. Section 23-5-152, MCA, is amended to read:

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"23-5-152. Possession of illegal gambling device or conducting illegal gambling enterprise prohibited -- exceptions. (1) Except as provided in 23-5-153 and subsections (2) through ~~(4)~~(5) of this section, it is a misdemeanor punishable under 23-5-161 for a person to purposely or knowingly:

(a) have in the person's possession or under the person's control or permit to be placed, maintained, or kept in any room, space, enclosure, or building owned, leased, or occupied by or under the person's management or control an illegal gambling device; or

(b) operate an illegal gambling enterprise.

(2) Subsection (1) does not apply to a public officer or to a person coming into possession of an illegal gambling device in or by reason of the performance of an official duty and holding it to be disposed of according to law.

(3) (a) The department may adopt rules to license persons to manufacture gambling devices that are not legal for public play in the state ~~and are manufactured only for export from the state.~~

(b) A person may not manufacture an illegal gambling device ~~for export from the state~~ without having obtained a license from the department. The department may charge an administrative fee for the license that is commensurate with the cost of issuing the license.

~~(c)~~ (4)(a) A person licensed under subsection (3) may conduct only those activities authorized under this subsection (4).

(b) A licensee may bring an illegal gambling device, including an illegal video gambling machine, into the state if:

(i) the illegal gambling device contains a component that will be used by the licensee to manufacture an illegal gambling device for export from the state; or

(ii) the illegal gambling device will be reconditioned, refurbished, repaired, or otherwise substantially modified in preparation for export from the state; and

(iii) the illegal gambling device will be exported from the state; and

(iv) the licensee has notified the department and received authorization from the department to bring the illegal gambling device into the state. The licensee is subject to reporting requirements provided for in rules adopted under subsection (3)(a).

(c) A licensee may also bring an illegal video gambling machine into the state if:

(i) the illegal video gambling machine will be reconditioned, refurbished, repaired, or otherwise substantially modified for conversion to an authorized video gambling machine; and

(ii) the licensee has notified the department and has received authorization from the department to bring the illegal video gambling machine into the state. The licensee is subject to reporting requirements provided for in rules adopted under subsection (3)(a).

~~(4)~~(5) An illegal gambling device may be possessed or located for display purposes only and not for operation:

(a) in a public or private museum; or

(b) in any other public place if the device has been made permanently inoperable for purposes of conducting a gambling activity."

Section 2. Section 23-5-612, MCA, is amended to read:

"23-5-612. Machine permits -- fee. (1) The department, upon payment of the fee provided in subsection (2) and in conformance with rules adopted under this part, shall issue to the operator an annual permit for an approved video gambling machine.

(2) (a) The department shall charge an annual permit fee of \$200 for each video gambling machine permit. The fee must be prorated on a quarterly basis but may not be prorated to allow a permit to expire before June 30. The department may not grant a refund if the video gambling machine ceases operation before the permit expires.

(b) If the person holding the gambling operator's license for the premises in which the machine is located changes during the first quarter of the permit year and the new operator has received an operator's license and if a machine transfer processing fee of \$25 per machine is paid to the department, the permit remains

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valid for the remainder of the permit year.

(3) The department shall ~~retain~~ deposit 50% of the total permit fee collected under subsection (2)(a) and 100% of the machine transfer processing fee collected under subsection (2)(b) in the state special revenue fund for purposes of administering this part and for other purposes provided by law. The balance of the fee collected under subsection (2)(a) must be returned on a quarterly basis to the local government jurisdiction in which the gambling machine is located. The local government portion of the fee is statutorily appropriated to the department, as provided in 17-7-502, for deposit in the local government treasury."

Renumber: subsequent sections

3. Page 3, line 21.

Insert: "NEW SECTION. Section 5. Allocation of machine permit fees. There is allocated \$300,000 from the state special revenue fund from the fees collected pursuant to 23-5-612 for purposes of the pathological gambling treatment and problem gambling prevention program provided for in Senate Bill No. 208."

Renumber: subsequent section

4. Page 3, line 24.

Strike: "DATE." through "1997."

Insert: "dates. (1) [Section 1 and this section] are effective on passage and approval.

(2) [Sections 2 through 5] are effective July 1, 1997."

And, as amended, be concurred in. Report adopted.

SB 379, be amended as follows:

1. Page 1, line 22.

Following: "for"

Insert: "personal, family, or household"

And, as amended, be concurred in. Report adopted.

HUMAN SERVICES (Grimes, Chairman):

4/2/97

SB 365, be amended as follows:

1. Title, lines 16 and 17.

Strike: "CREATING" on line 16 through "BOARD;" on line 17

2. Title, line 19.

Following: "DATES"

Strike: "1"

Following: "AND"

Insert: "AND"

Strike: ", AND A TERMINATION DATE"

3. Page 2, lines 5 and 6.

Strike: "AND" on line 5 through "ASSURANCE" on line 6

4. Page 5, lines 14 through 17.

Following: "organizations." on line 14

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Strike: the remainder of line 14 though line 17 in its entirety

5. Page 6, lines 6 through 10.

Strike: subsection (12) in its entirety

Renumber: subsequent subsection

6. Page 11, line 9.

Strike: "[AND THE BOARD]"

7. Page 12, line 26.

Following: "services"

Insert: ", medicines,"

Following: "the"

Insert: "diagnosis or"

8. Page 12, line 27.

Strike: "emergency"

Insert: "illness, injury, or "

Strike: "or for the preventive care of a covered person"

9. Page 12, line 28.

Following: "practice"

Insert: "and that are not provided only as a convenience"

10. Page 13, line 29.

Strike: "[OR TO THE BOARD]"

11. Page 17, line 9.

Following: "an" in 2 places

Insert: "acute care" in 2 places

12. Page 26, lines 6, 8, 9, 11 and 12, and 16.

Strike: "[OR THE BOARD]"

13. Page 26, line 30 through page 30, line 6.

Strike: sections 30 through 32 in their entirety

Renumber: subsequent sections

14. Page 30, lines 10 and 11.

Strike: "32"

Strike: "29"

15. Page 30, line 24.

Strike: ", 33 THROUGH 35, AND 37"

Insert: "and 30 through 32"

16. Page 30, lines 27 and 28.

Strike: subsection (4) in its entirety

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17. Page 30, line 30.

Strike: section 37 in its entirety

And, as amended, be concurred in. Report adopted.

SB 378, be amended as follows:

1. Title, line 19.

Following: "DATES"

Insert: ", APPLICABILITY DATES,"

2. Page 26, line 27 through page 27, line 6.

Strike: "that" on line 27 through "group" on line 6 of page 27

3. Page 31, line 10.

Strike: "a"

Insert: "either"

4. Page 31, line 12.

Following: "."

Insert: "If, pursuant to Public Law 104-191, an agency of the United States or a court does not prohibit a small employer carrier from doing so, a small employer carrier may offer and issue a group health benefit plan other than a basic or standard plan on an underwritten basis."

5. Page 60, line 19.

Following: "commissioner."

Insert: "The commissioner may by order extend the date by which the association shall offer the association portability plan until a date not later than January 1, 1998."

6. Page 75.

Following: line 21

Insert: "NEW SECTION. Section 51. Coordination instruction. If House Bill No. 131 is passed and approved and if it amends 33-22-1803(15), then 33-22-1803(15), amending the definition of "health benefit plan", must read as provided in [section 21 of this act].

NEW SECTION. Section 52. Applicability. (1) Except as provided in subsection (2), [sections 1, 5 through 8, 17 through 40, and 42 through 45] apply to group health plans and health insurance coverage offered in connection with group health plans for group health plan and health insurance coverage contracts issued or renewed after June 30, 1997.

(2) [Section 36] applies to events occurring after June 30, 1996."

Renumber: subsequent sections

7. Page 75, lines 23.

Strike: "SUBSECTION"

Insert: "subsections"

8. Page 75, line 24.

Following: "(3)"

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Insert: "through (5)"

9. Page 75, line 26.

Strike: "9, AND"

Insert: "8,"

Strike: "45 and this section"

Insert: "40, and 42 through 44"

10. Page 75.

Following: line 27

Insert: "(3) [Section 9] is effective January 1, 1998.

(4) [Section 41] is effective September 1, 1997.

(5) [Section 45 and this section] are effective on passage and approval."

And, as amended, be concurred in. Report adopted.

SJR 16, be amended as follows:

1. Title, line 9.

Strike: "LICENSURE,"

Insert: "VOLUNTARY"

Following: "REGISTRATION"

Strike: ", "

2. Page 1, line 25.

Strike: "licensure,"

Insert: "voluntary"

Following: "registration"

Strike: ", "

3. Page 2, line 4.

Strike: "licensing,"

Following: "registration"

Strike: ", "

4. Page 2, lines 10, 11, and 13.

Strike: "licensure,"

Insert: "voluntary"

Following: "registration"

Strike: ", "

5. Page 2, line 15.

Strike: "licensing,"

Insert: "voluntary"

Following: "registration"

Strike: ", "

6. Page 2, line 18.

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Strike: "licensed,"
Following: "registered"
Strike: ", "

7. Page 2, line 21.
Strike: "licensure,"
Insert: "voluntary"
Strike: second ", "

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 4/2/97

HB 83, introduced by Bergsagel
HB 146, introduced by R. Johnson
HB 371, introduced by Ahner

Senate bill passed and transmitted to the House for concurrence:

4/2/97

SB 374, introduced by Hargrove

House joint resolution concurred in and returned to the House:

4/2/97

HJR 2, introduced by Harrington

**FIRST READING AND COMMITMENT
OF BILLS AND RESOLUTIONS**

The following House bill was introduced, read first time, and referred to committee:

HJR 33, introduced by Denny, Mills, Hagener, Ewer, Bartlett, referred to Committee on Local Government.

The following Senate bill was introduced, read first time, and referred to committee:

SB 374, introduced by Hargrove, referred to Committee on Judiciary.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 471 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Heavy Runner, Hibbard,

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Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 85

Noes: Boharski, Brainard, Curtiss, Devaney, M. Hanson, Hayne, Jore, Kasten, Orr, Taylor, Vick, Wagner, Walters, Wells.

Total 14

Excused: None.

Total 0

Absent or not voting: Denny.

Total 1

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Wiseman in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 193 - Representative Sliter moved SB 193 be concurred in.

Representative Ryan moved SB 193, second reading copy, be amended as follows (amendment #1):

1. Page 1, line 21.

Following: "MASTER ELECTRICIAN."

Insert: "The number of apprentices may not exceed a ratio of one apprentice to one journeyman in full employment on the job in order to ensure adequate training and supervision."

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Tropila, Tuss, Walters, Wells, Whitehead, Wyatt, Zook, Mr. Speaker.

Total 83

Noes: Adams, Arnott, Boharski, Feland, R. Johnson, Jore, Kasten, Keenan, Rehbein, Story, Taylor, Trexler, Vick, Wagner.

Total 14

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Excused: None.

Total 0

Absent or not voting: Denny, Grady, Wiseman.

Total 3

Motion to concur in SB 193, as amended, carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Curtiss, DeBruycker, Devaney, Ellis, Feland, Grimes, Grinde, H.S. Hanson, Hayne, Heavy Runner, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Lawson, Marshall, Masolo, McCann, McGee, Mills, Mood, Ohs, Orr, Prouse, Rehbein, Rose, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 61

Noes: Carey, Cobb, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Grady, Hagener, Harper, Harrington, Hurdle, J. Johnson, Kitzenberg, Kottel, Krenzler, McCulloch, Menahan, Molnar, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simon, Simpson, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.

Total 37

Excused: None.

Total 0

Absent or not voting: Denny, M. Hanson.

Total 2

SB 212 - Representative Anderson moved SB 212 be concurred in.

Representative Boharski moved SB 212, second reading copy, be amended as follows (amendment #1):

1. Title, line 5.

Following: "~~LIABILITY AND~~"

Insert: "LIABILITY AND"

2. Page 2, line 3.

Following: "~~liability and~~"

Insert: "liability and"

Amendment #1 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellis, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Prouse, Quilici, Ream, Rehbein, Rose, Schmidt, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 84

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Noes: Carey, Ellingson, Ewer, Hurdle, McCann, Peck, Raney, Ryan, Sands, Simpson, Squires, Tuss, Whitehead, Wyatt.

Total 14

Excused: None.

Total 0

Absent or not voting: Denny, Dowell.

Total 2

Representative Kottel moved SB 212, second reading copy, be further amended (amendment #2). Motion failed as follows: (35-64)

Motion to concur in SB 212, as amended, carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Clark, Curtiss, DeBruycker, Devaney, Ellis, Feland, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McGee, Mills, Molnar, Mood, Ohs, Orr, Prouse, Rehbein, Rose, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 60

Noes: Barnhart, Bookout, Brainard, Carey, Cobb, Cocchiarella, Denny, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hurdle, Kottel, Krenzler, McCann, McCulloch, Menahan, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Squires, Tropila, Tuss, Whitehead, Wyatt.

Total 37

Excused: None.

Total 0

Absent or not voting: Adams, Grady, Swanson.

Total 3

SB 244 - Representative Ellis moved SB 244 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Cocchiarella, Curtiss, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Krenzler, Lawson, Marshall, McCann, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pease, Peck, Prouse, Quilici, Rehbein, Rose, Ryan, Simon, Simpkins, Sliter, Smith, Soft, Squires, Story, Stovall, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 69

Noes: Barnhart, Carey, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Hurdle, J. Johnson, Kitzenberg, Kottel, Masolo, McCulloch, Pavlovich, Raney, Ream, Sands, Schmidt, Simpson, Tuss, Whitehead, Wyatt.

Total 28

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Excused: None.

Total 0

Absent or not voting: Arnott, Bergsagel, Swanson.

Total 3

SB 232 - Representative Anderson moved SB 232 be concurred in. Motion failed as follows:

Ayes: Anderson, Bankhead, Beaudry, Clark, Cobb, Devaney, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, Hurdle, J. Johnson, Kasten, Keenan, Kottel, Krenzler, Masolo, McCulloch, Menahan, Pavlovich, Peck, Quilici, Rehbein, Rose, Ryan, Schmidt, Simon, Sliter, Soft, Swanson, Tash, Trexler, Tuss, Wiseman.

Total 37

Noes: Adams, Ahner, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Cocchiarella, Curtiss, DeBruycker, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Hagener, Harper, Heavy Runner, Holland, R. Johnson, Jore, Kitzenberg, Knox, Lawson, Marshall, McCann, McGee, Mills, Molnar, Mood, Ohs, Orr, Pease, Prouse, Raney, Ream, Sands, Simpkins, Simpson, Smith, Squires, Story, Stovall, Taylor, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wyatt, Zook, Mr. Speaker.

Total 63

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 198 - Representative Masolo moved SB 198 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, Denny, Devaney, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McGee, Mills, Molnar, Mood, Ohs, Orr, Pease, Peck, Prouse, Raney, Rehbein, Rose, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 80

Noes: Carey, Cocchiarella, DeBruycker, Dowell, Ellingson, Harper, Harrington, Hurdle, Kottel, McCulloch, Menahan, Pavlovich, Quilici, Ream, Ryan, Tropila, Tuss, Whitehead, Wyatt.

Total 19

Excused: None.

Total 0

Absent or not voting: Heavy Runner.

Total 1

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SB 21 - Representative Holland moved SB 21 be concurred in. Motion carried as follows:

Ayes: Anderson, Barnett, Barnhart, Beaudry, Bergman, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, Kitzenberg, Knox, Kottel, Lawson, Marshall, Masolo, McCulloch, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 73

Noes: Adams, Arnott, Bankhead, Bergsagel, Bitney, Boharski, Brainard, DeBruycker, Denny, Devaney, Feland, R. Johnson, Jore, Kasten, Keenan, Krenzler, McCann, McGee, Molnar, Rehbein, Soft, Story, Wagner, Walters.

Total 24

Excused: None.

Total 0

Absent or not voting: Ahner, Grimes, Smith.

Total 3

SB 50 - Representative Curtiss moved SB 50 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Prouse, Quilici, Raney, Rehbein, Rose, Ryan, Sands, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Tash, Taylor, Trexler, Tuss, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 87

Noes: Bergsagel, Carey, DeBruycker, Galvin, Hagener, Hurdle, Krenzler, Peck, Ream, Schmidt, Swanson, Tropila, Whitehead.

Total 13

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 63 - Representative Sliter moved SB 63 be concurred in.

Representative Grinde moved SB 63, second reading copy, be amended as follows (amendment #1):

1. Page 1, lines 17 through 19.

Strike: "requirements" on line 17 through "requirements" on line 19

Insert: "a procedure for training volunteers from the private sector to conduct the angler educational events and

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activities"

Renumber: subsequent subsection

2. Page 1, line 29.

Following: "eligible"

Insert: "during the 2-year period following [the effective date of this act]"

3. Page 2, line 1.

Following: "."

Insert: "At the end of the 2-year period, angler educational events and activities should be conducted as provided in subsection (4)."

4. Page 2.

Following: line 2

Insert: "(4) The department shall develop a statewide network of volunteers to conduct the angler educational events and activities for which fishing license exceptions are provided. Within 2 years of [the effective date of this act], as many angler educational events and activities as possible approved pursuant to this section should be conducted by the volunteer instructors certified as provided in subsection (2)."

5. Page 2, line 8.

Strike: "is"

Insert: "and House Bill No. 289, Chapter 66, Laws of 1997, are"

Amendment #1 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 97

Noes: McGee, Sliter.

Total 2

Excused: None.

Total 0

Absent or not voting: Pavlovich.

Total 1

Motion to concur in SB 63, as amended, carried as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Cobb, Cocchiarella, Devaney, Ellis, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Kitzenberg, Knox,

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Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Mills, Molnar, Mood, Pavlovich, Pease, Prouse, Quilici, Ream, Rose, Ryan, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Stovall, Tash, Taylor, Tropila, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 69

Noes: Arnott, Barnett, Bergsagel, Boharski, Brainard, Carey, Clark, Curtiss, DeBruycker, Denny, Dowell, Ellingson, Ewer, Feland, Harper, Hurdle, Keenan, McGee, Menahan, Ohs, Orr, Peck, Raney, Rehbein, Sands, Squires, Story, Swanson, Trexler, Tuss, Wagner.

Total 31

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 29 - Representative Anderson moved SB 29 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Prouse, Quilici, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Ellingson, Harper, Hurdle, Keenan, McGee, Peck, Raney.

Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJR 31 - Representative Pease moved HJR 31 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

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Noes: Adams, Bergman, Jore, Orr, Rehbein, Vick.

Total 6

Excused: None.

Total 0

Absent or not voting: Grinde, Keenan.

Total 2

Representative Masolo assumed the Chair at this time.

SB 151 - Representative Molnar moved SB 151 be concurred in.

Representative Kasten moved SB 151, second reading copy, be amended as follows (amendment #1):

1. Page 4.

Following: line 10

Insert: "NEW SECTION. Section 2. Coordination instructions. If both House Bill No. 107 and [this act] are passed and approved, then:

(1) House Bill No. 107 is void;

(2) section 1 in [this act] is to read as follows: "Section 1. Section 15-30-121, MCA, is amended to read: "15-30-121. Deductions allowed in computing net income. In computing net income, there are allowed as deductions:

(1) the items referred to in sections 161, including the contributions referred to in 33-15-201(5)(b), and 211 of the Internal Revenue Code of 1954, or as sections 161 and 211 are labeled or amended, subject to the following exceptions, which are not deductible:

(a) items provided for in 15-30-123;

(b) state income tax paid;

(c) ~~one-half of~~ premium payments for medical care as provided in subsection ~~(9)~~ (7)(a);

(d) long-term care insurance premium payments as provided in subsection (7)(b);

(2) federal income tax paid within the tax year;

(3) expenses of household and dependent care services as outlined in subsections (3)(a) through (3)(c) and (9) and subject to the limitations and rules as set out in subsections (3)(d) through (3)(f), as follows:

(a) expenses for household and dependent care services necessary for gainful employment incurred for:

(i) a dependent under 15 years of age for whom an exemption can be claimed;

(ii) a dependent as allowable under 15-30-112(5), except that the limitations for age and gross income do not apply, who is unable to provide self-care because of physical or mental illness; and

(iii) a spouse who is unable to provide self-care because of physical or mental illness;

(b) employment-related expenses incurred for the following services, but only if the expenses are incurred to enable the taxpayer to be gainfully employed:

(i) household services that are attributable to the care of the qualifying individual; and

(ii) care of an individual who qualifies under subsection (3)(a);

(c) expenses incurred in maintaining a household if over half of the cost of maintaining the household is furnished by an individual or, if the individual is married during the applicable period, is furnished by the individual and the individual's spouse;

(d) the amounts deductible in subsections (3)(a) through (3)(c), subject to the following limitations:

(i) a deduction is allowed under subsection (3)(a) for employment-related expenses incurred during the year only to the extent that the expenses do not exceed \$4,800;

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(ii) expenses for services in the household are deductible under subsection (3)(a) for employment-related expenses only if they are incurred for services in the taxpayer's household, except that employment-related expenses incurred for services outside the taxpayer's household are deductible, but only if incurred for the care of a qualifying individual described in subsection (3)(a)(i) and only to the extent that the expenses incurred during the year do not exceed:

(A) \$2,400 in the case of one qualifying individual;

(B) \$3,600 in the case of two qualifying individuals; and

(C) \$4,800 in the case of three or more qualifying individuals;

(e) if the combined adjusted gross income of the taxpayers exceeds \$18,000 for the tax year during which the expenses are incurred, the amount of the employment-related expenses incurred, to be reduced by one-half of the excess of the combined adjusted gross income over \$18,000;

(f) for purposes of this subsection (3):

(i) married couples shall file a joint return or file separately on the same form;

(ii) if the taxpayer is married during any period of the tax year, employment-related expenses incurred are deductible only if:

(A) both spouses are gainfully employed, in which case the expenses are deductible only to the extent that they are a direct result of the employment; or

(B) the spouse is a qualifying individual described in subsection (3)(a)(iii);

(iii) an individual legally separated from the individual's spouse under a decree of divorce or of separate maintenance may not be considered as married;

(iv) the deduction for employment-related expenses must be divided equally between the spouses when filing separately on the same form;

(v) payment made to a child of the taxpayer who is under 19 years of age at the close of the tax year and payments made to an individual with respect to whom a deduction is allowable under 15-30-112(5) are not deductible as employment-related expenses;

(4) in the case of an individual, political contributions determined in accordance with the provisions of section 218(a) and (b) of the Internal Revenue Code that were in effect for the tax year ended December 31, 1978;

(5) that portion of expenses for organic fertilizer allowed as a deduction under 15-32-303 that was not otherwise deducted in computing taxable income;

(6) contributions to the child abuse and neglect prevention program provided for in 41-3-701, subject to the conditions set forth in 15-30-156;

(7) ~~one-half of the entire amount of premium payments made by the taxpayer, except premiums deducted in determining Montana adjusted gross income or for which a credit was claimed under 15-30-128, for:~~

~~(a) insurance for medical care, as defined in 26 U.S.C. 213(d), made directly by the taxpayer for coverage of the taxpayer, the taxpayer's dependents, and the parents and grandparents of the taxpayer; and~~

~~(b) long-term care insurance with benefits that meet or exceed the minimum standards as established by the state insurance commissioner long-term care insurance policies or certificates that provide coverage primarily for any qualified long-term care services, as defined in 26 U.S.C. 7702B(c), for:~~

~~(i) the benefit of the taxpayer for tax years beginning after December 31, 1994; or~~

~~(ii) the benefit of the taxpayer, the taxpayer's dependents, and the parents and grandparents of the taxpayer for tax years beginning after December 31, 1996; and~~

(8) contributions to the Montana drug abuse resistance education program provided for in 44-2-702, subject to the conditions set forth in 15-30-159.

(9) ~~For the purpose of subsection (7)(a), deductible medical insurance premiums are those premiums that provide payment for medical care as defined by 26 U.S.C. 213(d).~~

(10)(9) (a) Subject to the conditions of subsection (3), a taxpayer who operates a family day-care home or a group day-care home, as these terms are defined in 52-2-703, and who cares for the taxpayer's own child and at least one unrelated child in the ordinary course of business may deduct employment-related expenses

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considered to have been paid for the care of the child.

(b) The amount of employment-related expenses considered to have been paid by the taxpayer is equal to the amount that the taxpayer charges for the care of a child of the same age for the same number of hours of care. The employment-related expenses apply regardless of whether any expenses actually have been paid. Employment-related expenses may not exceed the amounts specified in subsection (3)(d)(ii).

(c) Only a day-care operator who is licensed and registered as required in 52-2-721 is allowed the deduction under this subsection ~~(4)~~ (9). (Subsection (8) terminates on occurrence of contingency--sec. 12, Ch. 808, L. 1991.)"

(3) section 3 in [this act] is to read as follows:

"NEW SECTION. Section 3. Effective date -- retroactive applicability. (1) Except as provided in subsection (2), [this act] is effective on passage and approval and applies retroactively, within the meaning of 1-2-109, to tax years beginning after December 31, 1996.

(2) [Section 1(7)(b)(i)] applies retroactively, within the meaning of 1-2-109, to tax years beginning after December 31, 1994."

Renumber: subsequent section.

Amendment #1 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Dowell, Ellingson, Hurdle, Ream, Tuss.

Total 5

Excused: None.

Total 0

Absent or not voting: Hayne.

Total 1

Motion to concur in SB 151, as amended, carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Feland, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

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Noes: Carey, Ewer, Galvin, Hurdle, Ream, Sands, Whitehead.
Total 7

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 32 - Representative Ellingson moved SB 32 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 92

Noes: Bankhead, DeBruycker, Jore, Keenan, McGee, Orr, Vick, Wagner.
Total 8

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 44 - Representative Anderson moved SB 44 be concurred in.

Representative Grimes moved SB 44, second reading copy, be amended (amendment #1).

Representative Sliter moved for cloture. Motion carried.

Amendment #1 failed as follows: (43-57)

Representative Anderson moved consideration of SB 44 be placed at the bottom of the second reading board for the purpose of amendment. Motion carried. (68-24)

Representative Arnott excused at this time.

SB 83 - Representative Ellingson moved SB 83 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson,

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Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Gillan, R. Johnson, Jore, Kasten, Smith.

Total 5

Voted Absentee: Arnott, Aye.

Excused: None.

Total 0

Absent or not voting: Cobb, Pavlovich, Prouse.

Total 3

Representative Wiseman resumed the Chair at this time.

SB 85 - Representative Clark moved SB 85 be concurred in. Motion carried as follows:

Ayes: Barnhart, Bergman, Bohlinger, Bookout, Carey, Clark, Cocchiarella, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kottel, Krenzler, Marshall, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Soft, Squires, Story, Stovall, Swanson, Tropila, Tuss, Wells, Whitehead, Wiseman, Wyatt, Zook.

Total 58

Noes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Bergsagel, Bitney, Boharski, Brainard, Cobb, Curtiss, DeBruycker, Denny, Feland, Grady, Grinde, Holland, Jore, Kasten, Keenan, Kitzenberg, Knox, Lawson, Masolo, McCann, McGee, Molnar, Orr, Rehbein, Rose, Sliter, Smith, Tash, Taylor, Trexler, Vick, Wagner, Walters, Mr. Speaker.

Total 40

Voted Absentee: Arnott, No.

Excused: None.

Total 0

Absent or not voting: Beaudry, Prouse.

Total 2

SB 97 - Representative Story moved SB 97 be concurred in.

Representative Heavy Runner moved SB 97, second reading copy, be amended (amendment #1).

Representative Heavy Runner withdrew Amendment #1.

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Representative Harper moved SB 97, second reading copy, be amended (amendment #2). Motion failed as follows: (42-57)

Motion to concur in SB 97 carried as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Clark, Cobb, Curtiss, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, Mills, Molnar, Mood, Ohs, Orr, Peck, Prouse, Quilici, Rehbein, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.
Total 62

Noes: Arnott, Barnhart, Boharski, Brainard, Carey, Cocchiarella, DeBruycker, Dowell, Ellingson, Ewer, Galvin, Gillan, Harper, Harrington, Heavy Runner, Hurdle, Jore, Keenan, Kitzenberg, Kottel, McCulloch, McGee, Menahan, Pavlovich, Pease, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.
Total 38

Voted Absentee: Arnott, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Representative Arnott present at this time.

SB 118 - Representative Devaney moved SB 118 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cocchiarella, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 81

Noes: Adams, Bankhead, Boharski, Brainard, Cobb, Curtiss, DeBruycker, Jore, Masolo, McGee, Orr, Peck, Prouse, Soft, Wagner, Wells.
Total 16

Excused: None.
Total 0

Absent or not voting: Simpkins, Smith, Story.
Total 3

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SB 167 - Representative Ryan moved SB 167 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: DeBruycker, Jore, Kasten, Keenan, McGee, Mills, Orr, Rehbein, Wells.

Total 9

Excused: None.

Total 0

Absent or not voting: Hayne, Simpkins.

Total 2

SB 180 - Representative Tropila moved SB 180 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: Adams, Arnott, Cobb, Jore, Kasten, Keenan, McGee, Prouse, Rehbein, Wagner.

Total 10

Excused: None.

Total 0

Absent or not voting: Menahan, Simpkins.

Total 2

SB 181 - Representative Vick moved SB 181 be concurred in.

Representative Vick moved SB 181, second reading copy, be amended as follows (amendment #1):

1. Title, line 10.

Strike: "AND"

Following: "MCA"

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Insert: "; AND PROVIDING AN EFFECTIVE DATE"

2. Page 3, line 30.

Insert: "NEW SECTION. Section 3. Effective date. [This act] is effective July 1, 1997."

Amendment #1 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Brainard, Cobb, Curtiss, DeBruycker, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, McCann, Menahan, Mills, Ohs, Orr, Pease, Prouse, Raney, Rehbein, Simon, Simpkins, Simpson, Sliter, Soft, Story, Tash, Taylor, Vick, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 55

Noes: Bankhead, Barnhart, Boharski, Bookout, Carey, Clark, Cocchiarella, Denny, Devaney, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Kottel, Krenzler, Lawson, Masolo, McCulloch, McGee, Molnar, Mood, Pavlovich, Peck, Quilici, Ream, Rose, Ryan, Sands, Schmidt, Smith, Squires, Stovall, Swanson, Trexler, Tropila, Tuss, Wagner, Whitehead, Wyatt.

Total 45

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Pavlovich moved SB 181, second reading copy, be further amended (amendment #2).

Representative Vick moved to divide the amendment into two sections and vote on each section separately. Motion carried.

Amendment #2, sections #1,4 reads as follows:

1. Title, line 10.

Following: "LICENSES;"

Insert: "ESTABLISHING AN INITIAL \$20,000 FEE TO OBTAIN A RESORT RETAIL ALL-BEVERAGES
LICENSE;"

Following: "AMENDING"

Strike: "SECTION"

Insert: "SECTIONS"

Following: "16-4-202"

Insert: "AND 16-4-501"

4. Page 3, line 25.

Insert: "Section 2. Section 16-4-501, MCA, is amended to read:

"16-4-501. License and permit fees. (1) Each beer licensee licensed to sell either beer or table wine only, or both beer and table wine, under the provisions of this code, shall pay an annual license fee as follows:
(a) each brewer and each beer importer, wherever located, whose product is sold or offered for sale within the state, \$500; for each storage depot, \$400;

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- (b) each beer wholesaler, \$400; each table wine distributor, \$400; each subwarehouse, \$400;
- (c) each beer retailer, \$200;
- (d) for a license to sell beer at retail for off-premises consumption only, the same as a retail beer license; for a license to sell table wine at retail for off-premises consumption only, either alone or in conjunction with beer, \$200;
- (e) any unit of a nationally chartered veterans' organization, \$50.
- (2) The permit fee under 16-4-301(1) is computed at the rate of \$15 a day for each day that beer and table wine are sold at those events lasting 2 or more days but in no case ~~shall~~ may the fee be less than \$30.
- (3) The permit fee under 16-4-301(2) is \$10 for the sale of beer and table wine only or \$20 for the sale of all alcoholic beverages.
- (4) Passenger carrier licenses ~~shall~~ must be issued upon payment by the applicant of an annual license fee in the sum of \$300.
- (5) The annual license fee for a license to sell wine on the premises, when issued as an amendment to a beer-only license pursuant to 16-4-105, is \$200.
- (6) The annual renewal fee for resort retail all-beverages licenses within a given resort area ~~shall be~~ is \$2,000 for each license.
- (7) Each licensee licensed under the quotas of 16-4-201 shall pay an annual license fee as follows:
 - (a) except as provided in this section, for each license outside of incorporated cities and incorporated towns or in incorporated cities and incorporated towns with a population of less than 2,000, \$250 for a unit of a nationally chartered veterans' organization and \$400 for all other licensees;
 - (b) except as provided in this section, for each license in incorporated cities with a population of more than 2,000 and less than 5,000 or within a distance of 5 miles thereof, measured in a straight line from the nearest entrance of the premises to be licensed to the nearest boundary of the city, \$350 for a unit of a nationally chartered veterans' organization and \$500 for all other licensees;
 - (c) except as provided in this section, for each license in incorporated cities with a population of more than 5,000 and less than 10,000 or within a distance of 5 miles thereof, measured in a straight line from the nearest entrance of the premises to be licensed to the nearest boundary of the city, \$500 for a unit of a nationally chartered veterans' organization and \$650 for all other licensees;
 - (d) for each license in incorporated cities with a population of 10,000 or more or within a distance of 5 miles thereof, measured in a straight line from the nearest entrance of the premises to be licensed to the nearest boundary of the city, \$650 for a unit of a nationally chartered veterans' organization and \$800 for all other licensees;
 - (e) the distance of 5 miles from the corporate limits of any incorporated cities and incorporated towns is measured in a straight line from the nearest entrance of the premises to be licensed to the nearest boundary of the city or town; and where the premises of the applicant to be licensed are situated within 5 miles of the corporate boundaries of two or more incorporated cities or incorporated towns of different populations, the license fee chargeable by the larger incorporated city or incorporated town applies and must be paid by the applicant. When the premises of the applicant to be licensed are situated within an incorporated town or incorporated city and any portion of the incorporated town or incorporated city is without a 5-mile limit, the license fee chargeable by the smaller incorporated town or incorporated city applies and must be paid by the applicant.
 - (f) an applicant for the issuance of an original license to be located in areas described in ~~subsection~~ subsections (6) and (7)(d) shall provide an irrevocable letter of credit from a financial institution that guarantees that applicant's ability to pay a \$20,000 license fee. A successful applicant shall pay a one-time original license fee of \$20,000 for a license issued. The one-time license fee of \$20,000 may not apply to any transfer or renewal of a license issued prior to July 1, 1974. All licenses, however, are subject to the specified annual renewal fee fees.
- (8) The fee for one ~~all-beverage~~ all-beverages license to a public airport is \$800. This license is nontransferable.

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(9) The annual fee for a special beer and table wine license for a nonprofit arts organization under 16-4-303 is \$250.

(10) The license fees provided in this section are exclusive of and in addition to other license fees chargeable in Montana for the sale of alcoholic beverages.

(11) In addition to other license fees, the department of revenue may require a licensee to pay a late fee of 33 1/3% of any license fee delinquent on July 1 of the renewal year, 66 2/3% of any license fee delinquent on August 1 of the renewal year, and 100% of any license fee delinquent on September 1 of the renewal year.

(12) All license and permit fees collected under this section must be deposited as provided in 16-2-108."

Renumber: subsequent section

Amendment #2, sections #1,4 passed as follows:

Ayes: Barnhart, Bergman, Bohlinger, Bookout, Carey, Clark, Cocchiarella, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Feland, Galvin, Gillan, Grady, H.S. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Masolo, McCulloch, Menahan, Mills, Mood, Pavlovich, Pease, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Simon, Simpson, Smith, Squires, Swanson, Tash, Tropila, Tuss, Wagner, Whitehead, Wiseman, Wyatt, Zook.

Total 54

Noes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Bergsagel, Bitney, Boharski, Brainard, Cobb, Curtiss, Denny, Ewer, Grimes, Grinde, Hagener, M. Hanson, Hayne, Holland, R. Johnson, Jore, Kasten, Lawson, Marshall, McCann, McGee, Molnar, Orr, Peck, Prouse, Ream, Sands, Simpkins, Sliter, Soft, Story, Stovall, Taylor, Trexler, Vick, Walters, Wells, Mr. Speaker.

Total 44

Excused: None.

Total 0

Absent or not voting: Beaudry, Ohs.

Total 2

Amendment #2, sections #2,3 failed as follows: (35-60)

Representative Masolo moved for cloture. Motion carried.

Motion to concur in SB 181, as amended, carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Bergman, Bergsagel, Bitney, Boharski, Bookout, Carey, Curtiss, Ellingson, Ewer, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, Hurdle, Kasten, Keenan, Knox, Krenzler, Marshall, McCann, McGee, Mills, Molnar, Mood, Ohs, Orr, Prouse, Raney, Ream, Rehbein, Sands, Schmidt, Simon, Simpkins, Sliter, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Walters, Wells, Wiseman, Mr. Speaker.

Total 56

Noes: Adams, Beaudry, Bohlinger, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellis, Feland, Galvin, Gillan, Grady, Hagener, Harper, Harrington, Heavy Runner, J. Johnson, R. Johnson, Jore, Kitzenberg, Kottel, Lawson, Masolo, McCulloch, Menahan, Pavlovich, Pease, Peck, Quilici, Rose, Ryan, Simpson, Smith, Squires, Tropila, Tuss, Wagner, Whitehead, Wyatt, Zook.

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Total 42

Excused: None.

Total 0

Absent or not voting: Brainard, Clark.

Total 2

SB 182 - Representative Masolo moved SB 182 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Brainard, Clark.

Total 2

SB 188 - Representative Sliter moved SB 188 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Cobb, Cocchiarella, Curtiss, Devaney, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, Menahan, Mills, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 81

Noes: Adams, Arnott, Clark, DeBruycker, Denny, Dowell, Grimes, Grinde, Jore, Keenan, McCann, McGee, Molnar, Mood, Rehbein, Smith, Trexler, Vick.

Total 18

Excused: None.

Total 0

Absent or not voting: Brainard.

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Total 1

SB 224 - Representative Beaudry moved SB 224 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Clark, Curtiss, DeBruycker, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, Masolo, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Prouse, Quilici, Rehbein, Rose, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 61

Noes: Arnott, Barnhart, Bohlinger, Carey, Cobb, Cocchiarella, Denny, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, R. Johnson, Kottel, Krenzler, Lawson, McCann, McCulloch, Molnar, Pease, Peck, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.

Total 39

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 251 - Representative Bookout-Reinicke moved SB 251 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Devaney, Dowell, Ellingson, Ellis, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 83

Noes: Adams, Brainard, Curtiss, DeBruycker, Denny, Ewer, Jore, Keenan, Kottel, McCulloch, McGee, Orr, Ream, Sands, Tuss, Vick, Wagner.

Total 17

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 252 - Representative Harrington moved SB 252 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin,

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Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 84

Noes: Adams, Arnott, Boharski, Brainard, DeBruycker, Hayne, Jore, Kasten, Keenan, McGee, Orr, Prouse, Rehbein, Story, Taylor, Wagner.

Total 16

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Masolo assumed the Chair at this time.

SB 257 - Representative Devaney moved SB 257 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: Curtiss, Keenan, McGee, Orr, Peck, Rehbein, Simon, Story, Taylor, Trexler.

Total 10

Excused: None.

Total 0

Absent or not voting: Beaudry, Wiseman.

Total 2

SB 265 - Representative Anderson moved SB 265 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins,

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Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Brainard, McGee, Trexler.

Total 3

Excused: None.

Total 0

Absent or not voting: Beaudry, Denny, Masolo.

Total 3

SB 277 - Representative Ahner moved SB 277 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pease, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Brainard, Jore, Peck, Rehbein.

Total 4

Excused: None.

Total 0

Absent or not voting: Heavy Runner, Pavlovich.

Total 2

SB 287 - Representative Sliter moved SB 287 be concurred in.

Representative Sliter moved SB 287, second reading copy, be amended as follows (amendment #1):

1. Page 3, line 19.

Strike: "shall"

Insert: "may"

2. Page 3, line 22.

Strike: "shall"

Insert: "may be ordered to"

Amendment #1 passed as follows:

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Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Cocchiarella, Curtiss, Devaney, Dowell, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Prouse, Quilici, Rehbein, Rose, Ryan, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Tash, Taylor, Trexler, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 87

Noes: Barnhart, DeBruycker, Ellingson, Menahan, Pease, Peck, Raney, Ream, Sands, Tropila.
Total 10

Excused: None.
Total 0

Absent or not voting: Carey, Denny, Swanson.
Total 3

Representative Wiseman resumed the Chair at this time.

Motion to concur in SB 287, as amended, carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnhart, Bergman, Bergsagel, Bohlinger, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Devaney, Ellingson, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Heavy Runner, Hibbard, R. Johnson, Knox, Krenzler, Lawson, Marshall, McCann, Menahan, Mood, Ohs, Peck, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simon, Sliter, Soft, Squires, Swanson, Tash, Tropila, Tuss, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 55

Noes: Adams, Arnott, Barnett, Beaudry, Bitney, Boharski, Bookout, Brainard, Curtiss, Denny, Dowell, Ellis, Harrington, Hayne, Holland, Hurdle, J. Johnson, Jore, Kasten, Keenan, Kitzenberg, Kottel, Masolo, McCulloch, McGee, Mills, Molnar, Orr, Pavlovich, Pease, Prouse, Rehbein, Rose, Simpkins, Simpson, Smith, Story, Stovall, Taylor, Trexler, Vick, Wagner, Walters, Wells, Whitehead.
Total 45

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 297 - Representative Sands moved SB 297 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck,

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Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Adams, DeBruycker, Feland, Hayne, Jore, Kasten, McGee, Orr, Wagner, Walters.

Total 10

Excused: None.

Total 0

Absent or not voting: Simon.

Total 1

SB 308 - Representative Anderson moved SB 308 be concurred in.

Representative Anderson moved SB 308, second reading copy, be amended as follows (amendment #1):

1. Page 2, lines 21 and 22.

Strike: "other" on line 21 through "action" on line 22

Insert: "similar or equivalent right or privilege"

2. Page 4, line 1.

Strike: "A FACTUAL BASIS OR" in both places

3. Page 4, line 2.

Strike: "otherwise"

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Adams, Arnott, Brainard, Curtiss, Heavy Runner, Jore, Prouse, Raney, Vick, Wagner.

Total 10

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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Representative Anderson moved SB 308, second reading copy, be further amended as follows (amendment #2):

1. Title, line 5.

Strike: "NEEDS AND"

2. Title, lines 6 and 7.

Strike: "; CREATING" on line 6 through "OFFENSE" on line 7

Insert: "AND A CIVIL PENALTY"

3. Page 3, line 12.

Strike: "needs and"

4. Page 3, line 15.

Strike: "needs and"

5. Page 3, line 17.

Strike: "(2)(A)"

Strike: "person" through "by the"

6. Page 3, line 18.

Strike: "ACTION"

Insert: "applicant"

Strike: "needs and"

7. Page 4, lines 5 and 6.

Strike: "A"

Insert: "If a"

Strike: "that"

Following: "government"

Strike: "needs and"

Strike: "may be fined"

Insert: ", a civil penalty of"

Strike: "\$500"

Insert: "\$100"

Following: "\$1,000"

Insert: "must be imposed"

Amendment #2 passed as follows:

Ayes: Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Ohs, Orr, Pavlovich, Pease, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.
Total 87

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Noes: Adams, Arnott, Bergsagel, Brainard, Curtiss, Hurdle, Jore, Peck, Prouse, Wyatt.
Total 10

Excused: None.
Total 0

Absent or not voting: Ahner, Mood, Simon.
Total 3

Representative Harper moved SB 308, second reading copy, be further amended (amendment #3). Motion failed as follows: (37-62)

Representative Kottel moved SB 308, second reading copy, be further amended as follows (amendment #4):

1. Title, line 7.
Following: "MCA;"
Insert: "AMENDING SECTION 7-1-106, MCA;"

2. Page 4, line 16.
Insert: "Section 6. Section 7-1-106, MCA, is amended to read:

"7-1-106. Construction of self-government powers. The powers and authority of a local government unit with self-government powers ~~shall~~ must be liberally construed. ~~Every~~ Except for a power or authority to deny or issue with conditions a permit, certificate, license, or similar or equivalent right or privilege, every reasonable doubt as to the existence of a local government power or authority ~~shall~~ must be resolved in favor of the existence of that power or authority."

Renumber: subsequent sections

Amendment #4 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellis, Feland, Galvin, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 85

Noes: Bankhead, Cobb, DeBruycker, Ellingson, Ewer, Hagener, Hayne, Menahan, Orr, Peck, Schmidt, Swanson, Walters, Wyatt.
Total 14

Excused: None.
Total 0

Absent or not voting: Simon.
Total 1

Motion to concur in SB 308, as amended, carried as follows:

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Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bitney, Boharski, Bookout, Brainard, Clark, Cobb, Curtiss, Denny, Devaney, Ellis, Feland, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kottel, Marshall, McGee, Mills, Molnar, Mood, Ohs, Orr, Prouse, Rehbein, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 59

Noes: Barnhart, Bergsagel, Carey, Cocchiarella, DeBruycker, Dowell, Ellingson, Ewer, Galvin, Hagener, Harper, Heavy Runner, Hurdle, J. Johnson, Kitzenberg, Knox, Krenzler, Lawson, Masolo, McCann, McCulloch, Menahan, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.

Total 39

Excused: None.

Total 0

Absent or not voting: Bohlinger, Harrington.

Total 2

SB 310 - Representative Anderson moved SB 310 be concurred in.

Representative Story moved SB 310, second reading copy, be amended as follows (amendment #1):

1. Page 2, line 11.

Following: "ASSOCIATION"

Insert: "or ditch company"

2. Page 2, line 12.

Following: "PART 1,"

Insert: "or Title 35, chapter 1, part 2,"

3. Page 2, line 18.

Following: "association"

Insert: "or ditch company"

4. Page 2, line 19.

Following: "part 1,"

Insert: "or Title 35, chapter 1, part 2,"

Amendment #1 passed as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Devaney, Dowell, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Wiseman, Wyatt, Zook, Mr.

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Speaker.
Total 89

Noes: Arnott, DeBruycker, Ellingson, Feland, Jore, Orr, Pease, Prouse, Wagner, Whitehead.
Total 10

Excused: None.
Total 0

Absent or not voting: Denny.
Total 1

Motion to concur in SB 310, as amended, carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 81

Noes: Adams, Arnott, Bergsagel, DeBruycker, Feland, Heavy Runner, Jore, Kasten, Orr, Pease, Prouse, Rehbein, Vick, Wagner, Whitehead.
Total 15

Excused: None.
Total 0

Absent or not voting: Bookout, Mood, Sliter, Smith.
Total 4

SB 311 - Representative Beaudry moved SB 311 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 98

Noes: Walters.
Total 1

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Excused: None.

Total 0

Absent or not voting: Beaudry.

Total 1

SB 313 - Representative Ellis moved SB 313 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Cocchiarella, Curtiss, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mood, Ohs, Pavlovich, Pease, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 76

Noes: Adams, Arnott, Bergman, Boharski, Brainard, Clark, Cobb, DeBruycker, Denny, Grinde, Hayne, Jore, Kasten, McCann, Mills, Molnar, Orr, Peck, Prouse, Rehbein, Smith, Vick, Wagner.

Total 23

Excused: None.

Total 0

Absent or not voting: Keenan.

Total 1

SB 326 - Representative Knox moved SB 326 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Dowell, Ellingson, Ellis, Ewer, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 80

Noes: Adams, Barnhart, Boharski, Brainard, DeBruycker, Devaney, Feland, Galvin, Heavy Runner, Jore, Kasten, Keenan, Krenzler, McGee, Molnar, Prouse, Vick, Wagner, Wyatt.

Total 19

Excused: None.

Total 0

Absent or not voting: Denny.

Total 1

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SB 331 - Representative Sliter moved SB 331 be concurred in. Motion carried as follows:

Ayes: Ahner, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Clark, Cocchiarella, Devaney, Dowell, Ellis, Gillan, Grady, Grimes, H.S. Hanson, M. Hanson, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 66

Noes: Adams, Arnott, Barnhart, Brainard, Carey, Cobb, Curtiss, DeBruycker, Denny, Ellingson, Ewer, Feland, Galvin, Hagener, Harper, Hayne, R. Johnson, Jore, Kasten, McGee, Orr, Prouse, Raney, Taylor, Tuss, Vick, Wagner, Walters, Wells, Wyatt.

Total 30

Excused: None.

Total 0

Absent or not voting: Anderson, Grinde, Keenan, Molnar.

Total 4

SB 341 - Representative Bookout-Reinicke moved SB 341 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Boharski, Brainard, DeBruycker, Feland, Jore, McGee, Orr.

Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 344 - Representative Cocchiarella moved SB 344 be concurred in. Motion carried as follows:

Ayes: Anderson, Bankhead, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, McCann, McCulloch,

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McGee, Menahan, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 80

Noes: Adams, Ahner, Arnott, Barnett, Boharski, Cobb, Curtiss, DeBruycker, Feland, Jore, Keenan, Masolo, Mills, Orr, Prouse, Simpkins, Smith, Vick, Wells.
Total 19

Excused: None.
Total 0

Absent or not voting: Molnar.
Total 1

SB 349 - Representative Simon moved SB 349 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 95

Noes: Adams, DeBruycker, Jore.
Total 3

Excused: None.
Total 0

Absent or not voting: Clark, Grinde.
Total 2

SB 361 - Representative Brainard moved SB 361 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Carey, Clark, Cocchiarella, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Lawson, Marshall, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simpkins, Simpson, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 73

Noes: Adams, Arnott, Bankhead, Boharski, Bookout, Brainard, Cobb, Curtiss, DeBruycker, Denny, Feland, Grinde, Jore, Kasten, Krenzler, Masolo, McGee, Orr, Rehbein, Sliter, Story, Vick, Wagner, Walters, Wells.

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Total 25

Excused: None.

Total 0

Absent or not voting: Simon, Smith.

Total 2

SB 375 - Representative Cocchiarella moved SB 375 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Jore, McGee.

Total 2

Excused: None.

Total 0

Absent or not voting: Anderson, Denny.

Total 2

SB 44 - Representative Anderson moved SB 44 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Feland, Galvin, Grady, Grimes, H.S. Hanson, M. Hanson, Harrington, Hayne, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, Masolo, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Quilici, Raney, Rehbein, Rose, Simon, Simpkins, Smith, Soft, Squires, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 67

Noes: Barnhart, Carey, Cocchiarella, DeBruycker, Ewer, Gillan, Hagener, Harper, Heavy Runner, Hibbard, Hurdle, Kottel, Krenzler, Lawson, McCann, McCulloch, McGee, Pease, Peck, Prouse, Ream, Ryan, Sands, Schmidt, Simpson, Swanson, Tropila, Tuss, Whitehead, Wyatt.

Total 30

Excused: None.

Total 0

Absent or not voting: Grinde, Menahan, Sliter.

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Total 3

SB 16 - Representative Ellingson moved SB 16 be concurred in.

Representative Mercer moved SB 16, second reading copy, be amended as follows (amendment #1):

1. Title, lines 7 and 8.

Following: "PROVIDING" on line 7

Strike: remainder of line 7 through "AND" on line 8

2. Page 8, line 5.

Strike: "July"

Insert: "October"

3. Page 8, line 7.

Strike: section 13 in its entirety

Amendment #1 passed as follows:

Ayes: Adams, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Ahner, Denny, Feland, Grady, Peck.

Total 5

Motion to concur in SB 16, as amended, carried as follows:

Ayes: Ahner, Anderson, Barnhart, Bergman, Bitney, Boharski, Bookout, Clark, Cobb, Cocchiarella, Denny, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tuss, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 68

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Noes: Adams, Arnott, Bankhead, Barnett, Beaudry, Bergsagel, Brainard, Curtiss, DeBruycker, Devaney, Grinde, Hayne, Holland, Jore, Keenan, McGee, Mood, Orr, Prouse, Rehbein, Simpkins, Smith, Tropila, Vick, Wagner, Walters, Wells.

Total 27

Excused: None.

Total 0

Absent or not voting: Bohlinger, Carey, Feland, Grady, Molnar.

Total 5

SB 25 - Representative Ewer moved SB 25 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ewer, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Ellis, Feland, Grady.

Total 3

SB 27 - Representative Mills moved SB 27 be concurred in. Motion carried as follows:

Ayes: Bohlinger, Bookout, Carey, Clark, Cocchiarella, Curtiss, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kasten, Kitzenberg, Kottel, Krenzler, Masolo, McCulloch, McGee, Menahan, Mills, Ohs, Pavlovich, Pease, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook.

Total 60

Noes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Brainard, Cobb, DeBruycker, Denny, M. Hanson, Holland, R. Johnson, Jore, Keenan, Knox, Lawson, Marshall, McCann, Molnar, Mood, Orr, Peck, Prouse, Rehbein, Rose, Smith, Soft, Taylor, Vick, Wagner, Mr. Speaker.

Total 38

Excused: None.

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Total 0

Absent or not voting: Feland, Grady.

Total 2

SB 28 - Representative Denny moved SB 28 be concurred in.

Representative Rehbein moved SB 28, second reading copy, be amended as follows (amendment #1):

1. Title, line 4 and line 5.

Strike: "OF THE TWO APPOINTEES" on line 4 through "TO" on line 5

Insert: "MEMBER OF"

2. Title, line 6.

Following: "TEACHER;"

Insert: "REMOVING THE SUPERINTENDENT OF PUBLIC INSTRUCTION;"

3. Title, line 7.

Strike: "SECTION"

Insert: "SECTIONS"

Following: "2-15-1010"

Insert: "AND 20-3-106"

Strike: "IMMEDIATE"

4. Title, line 7 and 8.

Strike: "AND AN" on line 7 through "DATE" on line 8

5. Page 1, line 16 and line 17.

Strike: "the" on line 16 through "two" on line 17

Insert: "three"

ReNUMBER: subsequent subsections

6. Page 1, line 18.

Strike: "two"

Insert: "three"

7. Page 1.

Following: line 29

Insert: "Section 2. Section 20-3-106, MCA, is amended to read:

"20-3-106. Supervision of schools -- powers and duties. The superintendent of public instruction has the general supervision of the public schools and districts of the state and shall perform the following duties or acts in implementing and enforcing the provisions of this title:

(1) resolve any controversy resulting from the proration of costs by a joint board of trustees under the provisions of 20-3-362;

(2) issue, renew, or deny teacher certification and emergency authorizations of employment;

(3) negotiate reciprocal tuition agreements with other states in accordance with the provisions of 20-5-314;

(4) ~~serve on the teachers' retirement board in accordance with the provisions of 2-15-1010;~~

(5) approve or disapprove the orders of a high school boundary commission in accordance with the

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provisions of 20-6-311;

~~(6)~~(5) approve or disapprove the opening or reopening of a school in accordance with the provisions of 20-6-502, 20-6-503, 20-6-504, or 20-6-505;

~~(7)~~(6) approve or disapprove school isolation within the limitations prescribed by 20-9-302;

~~(8)~~(7) generally supervise the school budgeting procedures prescribed by law in accordance with the provisions of 20-9-102 and prescribe the school budget format in accordance with the provisions of 20-9-103 and 20-9-506;

~~(9)~~(8) establish a system of communication for calculating joint district revenues in accordance with the provisions of 20-9-151;

~~(10)~~(9) approve or disapprove the adoption of a district's budget amendment resolution under the conditions prescribed in 20-9-163 and adopt rules for an application for additional direct state aid for a budget amendment in accordance with the approval and disbursement provisions of 20-9-166;

~~(11)~~(10) generally supervise the school financial administration provisions as prescribed by 20-9-201(2);

~~(12)~~(11) prescribe and furnish the annual report forms to enable the districts to report to the county superintendent in accordance with the provisions of 20-9-213(5) and the annual report forms to enable the county superintendents to report to the superintendent of public instruction in accordance with the provisions of 20-3-209;

~~(13)~~(12) approve, disapprove, or adjust an increase of the average number belonging (ANB) in accordance with the provisions of 20-9-313 and 20-9-314;

~~(14)~~(13) distribute BASE aid and special education allowable cost payments in support of the BASE funding program, in accordance with the provisions of 20-9-331, 20-9-333, 20-9-342, 20-9-346, 20-9-347, and 20-9-366 through 20-9-369;

~~(15)~~(14) provide for the uniform and equal provision of transportation by performing the duties prescribed by the provisions of 20-10-112;

~~(16)~~(15) approve or disapprove an adult education program for which a district proposes to levy a tax in accordance with the provisions of 20-7-705;

~~(17)~~(16) request, accept, deposit, and expend federal money in accordance with the provisions of 20-9-603;

~~(18)~~(17) authorize the use of federal money for the support of an interlocal cooperative agreement in accordance with the provisions of 20-9-703 and 20-9-704;

~~(19)~~(18) prescribe the form and contents of and approve or disapprove interstate contracts in accordance with the provisions of 20-9-705;

~~(20)~~(19) approve or disapprove the conduct of school on a Saturday or on pupil-instruction-related days in accordance with the provisions of 20-1-303 and 20-1-304;

~~(21)~~(20) recommend standards of accreditation for all schools to the board of public education and evaluate compliance with the standards and recommend accreditation status of every school to the board of public education in accordance with the provisions of 20-7-101 and 20-7-102;

~~(22)~~(21) collect and maintain a file of curriculum guides and assist schools with instructional programs in accordance with the provisions of 20-7-113 and 20-7-114;

~~(23)~~(22) establish and maintain a library of visual, aural, and other educational media in accordance with the provisions of 20-7-201;

~~(24)~~(23) license textbook dealers and initiate prosecution of textbook dealers violating the law in accordance with the provisions of the textbooks part of this title;

~~(25)~~(24) as the governing agent and executive officer of the state of Montana for K-12 vocational education, adopt the policies prescribed by and in accordance with the provisions of 20-7-301;

~~(26)~~(25) supervise and coordinate the conduct of special education in the state in accordance with the provisions of 20-7-403;

~~(27)~~(26) administer the traffic education program in accordance with the provisions of 20-7-502;

~~(28)~~(27) administer the school food services program in accordance with the provisions of 20-10-201, 20-10-202, and 20-10-203;

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~~(29)~~(28) review school building plans and specifications in accordance with the provisions of 20-6-622;
~~(30)~~(29) prescribe the method of identification and signals to be used by school safety patrols in accordance with the provisions of 20-1-408;
~~(31)~~(30) provide schools with information and technical assistance for compliance with the student assessment rules provided for in 20-2-121 and collect and summarize the results of the student assessment for the board of public education and the legislature;
~~(32)~~(31) administer the distribution of guaranteed tax base aid in accordance with 20-9-366 through 20-9-369; and
~~(33)~~(32) perform any other duty prescribed from time to time by this title, any other act of the legislature, or the policies of the board of public education."

Renumber: subsequent section

8. Page 2, line 1.

Strike: "-- applicability"

9. Page 2, line 1 through line 2.

Strike: "on" on line 1 through "act]" on line 2

Insert: "July 1, 1997"

Amendment #1 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Curtiss, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Lawson, McCann, McGee, Mills, Mood, Orr, Prouse, Rehbein, Simpkins, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 51

Noes: Barnhart, Beaudry, Bookout, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kitzenberg, Kottel, Krenzler, Marshall, Masolo, McCulloch, Menahan, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simpson, Smith, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.

Total 45

Excused: None.

Total 0

Absent or not voting: Molnar, Ohs, Simon, Sliter.

Total 4

Motion to concur in SB 28, as amended, carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Ellis, Ewer, Feland, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, Holland, Hurdle, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Marshall, Masolo, McCann, Menahan, Mills, Molnar, Mood, Ohs, Orr, Prouse, Quilici, Rehbein, Rose, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 75

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Noes: Barnhart, Bergman, Carey, Cocchiarella, Devaney, Dowell, Ellingson, Galvin, Harper, Heavy Runner, J. Johnson, Krenzler, Lawson, McCulloch, McGee, Pavlovich, Pease, Peck, Raney, Ream, Ryan, Sands, Squires, Tuss, Whitehead.

Total 25

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 33 - Representative Ellingson moved SB 33 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Barnhart, Beaudry, Bitney, Bohlinger, Bookout, Carey, Cobb, Cocchiarella, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 72

Noes: Adams, Arnott, Bankhead, Barnett, Bergman, Bergsagel, Boharski, Brainard, Clark, Curtiss, DeBruycker, Devaney, Grinde, Hayne, Jore, Keenan, McGee, Orr, Prouse, Rehbein, Sliter, Smith, Vick, Wagner, Walters, Wells.

Total 26

Excused: None.

Total 0

Absent or not voting: Denny, Mills.

Total 2

SB 51 - Representative Kottel moved SB 51 be concurred in.

Representative Bookout-Reinicke moved SB 51, second reading copy, be amended (amendment #1). Motion failed as follows: (37-61)

Motion to concur in SB 51 carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Tropila, Tuss, Vick, Wagner, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 81

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Noes: Adams, Arnott, Bankhead, Bergsagel, Boharski, Brainard, DeBruycker, Jore, McCann, McGee, Molnar, Orr, Prouse, Rehbein, Story, Taylor, Trexler, Walters.

Total 18

Excused: None.

Total 0

Absent or not voting: Hibbard.

Total 1

SB 79 - Representative Kottel moved SB 79 be concurred in.

Representative Kottel moved SB 79, second reading copy, be amended (amendment #1). Motion failed as follows: (38-61)

Representative Masolo assumed the Chair at this time.

Motion to concur in SB 79 carried as follows:

Ayes: Anderson, Bankhead, Barnhart, Beaudry, Bergman, Bohlinger, Bookout, Carey, Clark, Cocchiarella, Curtiss, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Tropila, Tuss, Whitehead, Wiseman, Wyatt, Mr. Speaker.

Total 68

Noes: Adams, Ahner, Arnott, Barnett, Bergsagel, Bitney, Boharski, Brainard, Cobb, DeBruycker, Denny, M. Hanson, Hayne, Holland, R. Johnson, Jore, Kasten, Keenan, Mills, Molnar, Orr, Prouse, Rehbein, Sliter, Taylor, Trexler, Vick, Wagner, Walters, Wells, Zook.

Total 31

Excused: None.

Total 0

Absent or not voting: McGee.

Total 1

Representative Wiseman resumed the Chair at this time.

SB 87 - Representative Keenan moved SB 87 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose,

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Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 99

Noes: Clark.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 94 - Representative Soft moved SB 94 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Barnhart, Beaudry, Bohlinger, Bookout, Carey, Cobb, Cocchiarella, Curtiss, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Hagener, M. Hanson, Harper, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 70

Noes: Adams, Arnott, Bankhead, Barnett, Bergman, Bergsagel, Bitney, Boharski, Brainard, Clark, DeBruycker, Denny, Devaney, Feland, Grinde, H.S. Hanson, Hayne, Holland, Jore, Kasten, Keenan, McCann, Molnar, Rehbein, Simon, Sliter, Vick, Wagner, Walters.
Total 29

Excused: None.
Total 0

Absent or not voting: Harrington.
Total 1

SB 95 - Representative McCulloch moved SB 95 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Milis, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 86

Noes: Adams, Arnott, Bankhead, Cobb, DeBruycker, Feland, Jore, Kasten, McGee, Orr, Rehbein, Vick, Walters.
Total 13

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Excused: None.
Total 0

Absent or not voting: Ellis.
Total 1

SB 112 - Representative Pavlovich moved SB 112 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Devaney, Dowell, Ellingson, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, Menahan, Mills, Molnar, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 79

Noes: Adams, Arnott, Bergsagel, Boharski, Brainard, Curtiss, DeBruycker, Grinde, R. Johnson, Jore, Keenan, McCann, McGee, Mood, Orr, Prouse, Rehbein, Smith, Wagner.
Total 19

Excused: None.
Total 0

Absent or not voting: Denny, Ellis.
Total 2

SB 113 - Representative Tropila moved SB 113 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Mr. Speaker.
Total 93

Noes: Adams, Jore, Keenan, McGee, Smith.
Total 5

Excused: None.
Total 0

Absent or not voting: Stovall, Zook.
Total 2

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SB 159 - Representative Mills moved SB 159 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, Jore, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Bergsagel, Denny, R. Johnson, Keenan, Smith, Whitehead.

Total 6

Excused: None.

Total 0

Absent or not voting: Ryan, Soft.

Total 2

SB 201 - Representative Kottel moved SB 201 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Feland, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Peck, Prouse, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Simon, Simpkins, Simpson, Sliter, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 81

Noes: Barnhart, Boharski, Carey, Cocchiarella, Ellingson, Ewer, Galvin, Harper, Hurdle, Keenan, Pease, Ream, Sands, Smith, Soft, Squires, Tropila, Tuss, Whitehead.

Total 19

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 205 - Representative Anderson moved SB 205 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore,

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Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 99

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Sliter.
Total 1

SB 207 - Representative Grinde moved consideration of SB 207 be passed for the day. Motion carried.

SB 219 - Representative Ryan moved SB 219 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.
Total 85

Noes: Brainard, Cobb, DeBruycker, Hayne, Heavy Runner, Kasten, Keenan, McGee, Orr, Rehbein, Story, Trexler, Vick, Wagner.
Total 14

Excused: None.
Total 0

Absent or not voting: Wyatt.
Total 1

SB 226 - Representative Tropila moved SB 226 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simpkins, Simpson, Smith, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 77

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Noes: Arnott, Bergsagel, Boharski, Brainard, DeBruycker, Denny, Grimes, R. Johnson, Jore, Kasten, Keenan, McGee, Molnar, Orr, Prouse, Rehbein, Sliter, Soft, Vick, Wagner, Wells.

Total 21

Excused: None.

Total 0

Absent or not voting: Mood, Simon.

Total 2

SB 234 - Representative Bookout-Reinicke moved SB 234 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnhart, Beaudry, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 81

Noes: Arnott, Barnett, Bergman, Bergsagel, Curtiss, DeBruycker, Hayne, R. Johnson, Jore, Kasten, Keenan, Molnar, Mood, Orr, Prouse, Rehbein, Trexler, Vick, Wagner.

Total 19

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 239 - Representative Devaney moved SB 239 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: Adams, Arnott, Boharski, Brainard, Curtiss, Jore, Keenan, McGee, Orr, Rehbein, Story, Wagner.

Total 12

Excused: None.

Total 0

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Absent or not voting: None.

Total 0

SB 245 - Representative Bitney moved SB 245 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: Barnhart, Brainard.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 246 - Representative Clark moved SB 246 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Curtiss, DeBruycker, Devaney, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 81

Noes: Adams, Arnott, Boharski, Brainard, Cobb, Cocchiarella, Denny, Dowell, Grimes, Heavy Runner, Jore, Keenan, Molnar, Ohs, Prouse, Vick, Wagner, Walters.

Total 18

Excused: None.

Total 0

Absent or not voting: Smith.

Total 1

SB 259 - Representative Wyatt moved SB 259 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey,

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Clark, Cocchiarella, Curtiss, DeBruycker, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simpkins, Simpson, Smith, Squires, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 71

Noes: Adams, Arnott, Barnett, Boharski, Brainard, Cobb, Denny, Devaney, Feland, Grimes, Hayne, Jore, Kasten, Keenan, McCann, McGee, Molnar, Orr, Rehbein, Simon, Soft, Story, Taylor, Vick, Wagner, Walters, Wells.
Total 27

Excused: None.
Total 0

Absent or not voting: Prouse, Sliter.
Total 2

SB 263 - Representative H. Hanson moved SB 263 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 97

Noes: Jore.
Total 1

Excused: None.
Total 0

Absent or not voting: Anderson, Denny.
Total 2

SB 270 - Representative Kottel moved SB 270 be concurred in.

Representative Kottel moved SB 270, second reading copy, be amended as follows (amendment #1):

1. Page 2, lines 21 and 22.

Strike: "forward" on line 21 through "receives" on line 22

Insert: "review a report given to the insurer, and if the insurer determines that there is a reasonable likelihood that fraud has occurred the insurer shall forward the report to the commissioner"

Amendment #1 passed as follows:

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Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 100

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Motion to concur in SB 270, as amended, carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 89

Noes: Boharski, Cobb, DeBruycker, Denny, Jore, Keenan, Orr, Taylor, Vick, Wagner.
Total 10

Excused: None.
Total 0

Absent or not voting: Pavlovich.
Total 1

SB 271 - Representative Bankhead moved SB 271 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McGee, Mills, Molnar, Mood, Ohs, Orr, Peck, Prouse, Quilici, Raney, Rehbein, Rose, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

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Total 72

Noes: Barnhart, Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hurdle, Kottel, McCulloch, Menahan, Pavlovich, Pease, Ream, Ryan, Sands, Schmidt, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.
Total 28

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Wiseman moved that the Committee of the Whole report be adopted.

Representative Bookout-Reinicke made a substitute motion SB 251 be segregated from the Committee of the Whole report and the remainder of the report be adopted. Motion carried. (94-3)

Mr. Speaker introduced this week's pages:

Bill Almy, Baker
Cori Anderson, Great Falls
Morgen Bergman, Bozeman
Meredith Brown, Butte
Kendra Bullshoe, Browning
Kylene Gasvoda, Big Sandy
Kjersten Klass, Clancy
Abby Pearson, Sheridan
Kari Trexler, Corvallis
Laura Welker, Shelby
John Siemers, Polson

Austin Adams, Columbia Falls (Honorary page)

REPORTS OF STANDING COMMITTEES

AGRICULTURE (Barnett, Chairman):
SB 284, be amended as follows:

4/3/97

1. Title, line 9.
Following: "**PROVIDING**"
Insert: "**AN EFFECTIVE DATE AND**"

2. Page 1, line 24.
Following: "statement"
Insert: ", corroborated by adequate documentation,"

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3. Page 3.

Following: line 10

Insert: "NEW SECTION. Section 4. Effective date. [This act] is effective July 1, 1997."

Renumber: subsequent sections

4. Page 3, line 12.

Strike: "OCTOBER 1, 1999"

Insert: "December 31, 1998"

And, as amended, be concurred in. Report adopted.

APPROPRIATIONS (Zook, Chairman):

4/3/97

SB 19, be amended as follows:

1. Page 14, lines 24, 25, and 27.

Page 15, lines 1 and 2, and line 2.

Page 16, lines 3, 5, 7, 11 and 12, and 12.

Strike: "BUDGET DIRECTOR"

Insert: "approving authority"

And, as amended, be concurred in. Report adopted.

BUSINESS & LABOR (Simon, Chairman):

4/3/97

HB 604, introduced bill, be amended as follows:

1. Title, lines 4 through 7.

Following: "MONTANA;" on line 4

Strike: the remainder of line 4 through "PREMISES;" on line 7

2. Title, lines 8 through 10.

Following: "PROPERTY;" on line 8

Strike: the remainder of line 8 through "PREMISES;" on line 10

3. Title, line 12.

Strike: "16-3-213, 16-3-242, 16-4-101, 16-4-401,"

4. Page 1, line 16 through line 6 on page 2.

Strike: section 1 in its entirety

Renumber: subsequent sections

5. Page 3, line 11 through page 8, line 4.

Strike: sections 4 through 7 in their entirety

Renumber: subsequent sections

6. Page 9, lines 11 through 13.

Strike: section 9 in its entirety

And, as amended, do pass. Report adopted.

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HB 615, introduced bill, be amended as follows:

1. Page 1, line 25.

Strike: "four"

Insert: "five"

2. Page 2, line 6.

Strike: "."

Insert: ",",

Following: line 6

Insert: "(d) one member, to be appointed by the governor, who is a business owner who does not have an economic interest in and is not related to a person who has an economic interest in the gambling industry."

3. Page 3, line 16.

Following: "studies."

Insert: "The legislative services division may expend funds from the appropriation provided in [section 5] for staff services provided by the legislative services division to the commission."

And, as amended, do pass. Report adopted.

SB 89, be amended as follows:

1. Title, page 1, line 30.

Following: "~~SERVICE~~;"

Insert: "ESTABLISHING AN INTERIM UNIVERSAL ACCESS TO THE ADVANCED TELECOMMUNICATIONS SERVICES PROGRAM ADMINISTERED BY THE PUBLIC SERVICE COMMISSION; PROVIDING A DISCOUNT FOR USE OF ADVANCED TELECOMMUNICATIONS SERVICES FOR CERTAIN PUBLIC ACCESS POINTS, SCHOOLS, LIBRARIES, HEALTH CARE PROVIDERS, AND TRIBAL COLLEGES; ESTABLISHING A SURCHARGE ON RETAIL REVENUE DERIVED FROM INTRASTATE TELECOMMUNICATIONS SERVICES IN THE STATE; REQUIRING THE PUBLIC SERVICE COMMISSION TO MAKE RECOMMENDATIONS TO THE 56TH LEGISLATURE REGARDING UNIVERSAL ACCESS AND SERVICE;"

2. Title, page 2, line 6.

Following: ".1"

Insert: "ESTABLISHING A COMMITTEE TO MONITOR FEDERAL IMPLEMENTATION OF THE FEDERAL TELECOMMUNICATIONS ACT OF 1996; APPROPRIATING FUNDS FOR THE COMMITTEE;"

3. Title, page 2, line 8.

Following: "PROVIDING"

Insert: "AN IMMEDIATE"

4. Title, page 2, line 9.

Strike: "DATES"

Insert: "DATE"

5. Page 3, line 6.

Following: "~~221~~;"

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Insert: "Under the interim universal access provisions of [sections 20 through 26], the public service commission is to establish surcharge rates as provided in [section 25]. The surcharge rates must take into account different cost structures among telecommunications carriers, particularly the wireless and CATV industry. The retail revenue for these providers should be based on an equitable, per access line, revenue equivalent. The commission shall also set the surcharge rate to produce the amount of revenue necessary to fund the program. The formulation should consider any overlapping federal discounts. The commission should appoint an oversight group, consisting of users and industry participants, to meet quarterly with the commission to review revenue, discounts, and the administration of [sections 20 through 26]. The public service commission shall also establish a method for paying discount reimbursements in accordance with [section 25]. The public service commission shall cooperate with the department of revenue in determining rates, administering offsets against any surcharges, and other matters necessary for the administration of [sections 20 through 26].
The department of revenue shall administer the collection of the surcharge by rule. Because of the limited duration of the program, it is contemplated that the rules and administration be minimal, flexible, and as unobtrusive as possible while ensuring that there are sufficient administrative powers to enable the implementation of [sections 20 through 26]."

6. Page 20, lines 12 and 13.

Strike: "DIRECTLY" on line 12

Following: "TO"

Insert: "Montana"

Following: "END-USER"

Strike: the remainder of line 12 through "CORRESPONDING" on line 13

Insert: "customer"

7. Page 21, lines 22 and 23.

Following: "COSTS" on line 22

Strike: the remainder of line 22 through "COMPANIES" on line 23

8. Page 22, line 11.

Following: first "COSTS"

Strike: "CHARGED TO LONG-DISTANCE COMPANIES"

9. Page 23, line 1.

Following: "SERVICES"

Insert: "or facilities"

10. Page 23, line 2.

Following: second "CARRIER"

Strike: "INCLUDE"

Insert: "have been reduced by"

Following: "CONTRIBUTION"

Strike: "FOR"

Insert: "from"

11. Page 23, line 12.

Following: "STANDARDS."

Strike: "IF"

Insert: "(1) Except as provided in subsection (2), if"

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12. Page 23, line 15.

Strike: "STANDARDIZED OR"

Following: "DEFAULT"

Insert: "proxy"

13. Page 23, line 16.

Following: "PRICE."

Insert: "The commission shall establish wholesale prices using company-specific costs."

14. Page 23, following line 16.

Insert: "(2) This section does not apply to the prices, terms, and conditions of a final or interim arbitrated interconnection agreement, arbitration decision, or appeal from an agreement or decision if the request for arbitration was filed on or before March 1, 1997."

15. Page 23, line 18.

Following: "(1)"

Strike: "IF"

Insert: "Except as provided in subsection (4), if"

16. Page 23, line 21.

Following: "A"

Insert: "just and reasonable"

17. Page 23, lines 24 and 25.

Strike: "IN" on line 24 through "TOTAL" on line 25

18. Page 23, line 29.

Following: "(C)"

Insert: "a reasonable share of the costs associated with"

Following: "FACTORS"

Strike: "THAT RECOGNIZE THE"

Insert: ", recognizing"

19. Page 24, following line 1.

Insert: "(2) The actual cost of providing the elements included in subsections (1)(a) through (1)(d) must be determined without reference to a rate-of-return or other rate-based proceeding."

Renumber: subsequent subsection

20. Page 24, line 8.

Insert: "(4) This section does not apply to the prices, terms, and conditions of a final or interim arbitrated interconnection agreement, arbitration decision, or appeal from an agreement or decision if the request for arbitration was filed on or before March 1, 1997."

21. Page 24, line 14.

Insert: "NEW SECTION. Section 20. Interim universal access program -- purpose. (1) There is an interim universal access program.

(2) The purpose of the interim universal access program is to further the goal of universal access to advanced telecommunications services in Montana by:

(a) increasing safety net coverage through which advanced telecommunications services would, at a

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minimum, be available through a library, school, or other specified type of public institution in every community in the state;

- (b) encouraging innovation in communities to bring advanced services to Montana's rural areas; and
- (c) assisting communities that have already succeeded in obtaining services when ongoing transport costs threaten the continued availability of these services.

NEW SECTION. Section 222. Interim universal access program -- definitions. As used in [sections 20 through 27], the following definitions apply:

- (1) "Administrator" means the public service commission.
- (2) "Advanced services" means high-speed (56 kbps and above), dedicated or switched, broadband telecommunications capability that enables users to originate and receive high-quality voice, data, graphics, and video telecommunications using any technology.
- (3) "Health care provider" means any one of, or a consortium of, the following institutions located in Montana:
 - (a) postsecondary educational institutions offering health care instruction;
 - (b) community health care centers or health centers providing health care to migrants;
 - (c) local health departments or agencies;
 - (d) community mental health centers;
 - (e) not-for-profit hospitals; and
 - (f) rural health clinics.
- (4) "Library" means a library located in Montana that is eligible for participation in state-based plans for funds under Title III of the Library Services and Construction Act (20 U.S.C. 335c, et seq.).
- (5) "School" means:
 - (a) an elementary school or secondary school that meets the definition set forth in subsections (14) and (25), respectively, of section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801) and that does not have an endowment of more than \$50 million; or
 - (b) a bureau of Indian affairs elementary and secondary school.
- (6) "Tribal college" means a college recognized by the United States government as a tribal college.

NEW SECTION. Section 223. Interim universal access program -- public access points. At a minimum, all public access points must provide the general public access to advanced telecommunications services that are not subscription-based. The access must be provided free of charge and at convenient hours on a walk-in basis. Public access points may offer subscription-based services, such as electronic mail, but are not required to administer these types of services.

NEW SECTION. Section 224. Interim universal access program -- funded services -- application for services. (1) The universal access program provides funding through discounts only for advanced services for use by public access points, schools, tribal colleges, libraries, and health care providers approved by the administrator.

- (2) The first priority of the program is to provide funding for at least one public access point in each Montana community. Subject to available funding, the program shall also provide funding for advanced services to schools, tribal colleges, libraries, and health care providers.
- (3) The administrator shall establish discount levels for services in each of the following categories:
 - (a) public access points;
 - (b) education services to schools and tribal colleges for distance learning, electronic access to educational resources, and electronic delivery or reception of educational programming;
 - (c) library services for libraries not serving as public access points for electronic access to information and library services; and
 - (d) rural health services to rural health care providers for access to similar services as urban health care

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providers and to ensure electronic access to health care services.

(4) To receive discounted services under the interim universal access program, public access providers, schools, tribal colleges, libraries, and health care providers shall apply for the discounts. The application must be accompanied by a resolution of support from the governing body of the appropriate city, county, or tribal government in which the applicant is located.

NEW SECTION. Section 225. Interim universal access program -- services provided at discounts -- reimbursements. (1) Telecommunications carriers shall provide advanced services to eligible users at specified discounts. The amount of the discount must be reimbursed to the provider from the interim universal access account established in [section 26].

(2) Except as provided in subsection (3), the advanced discount is equal to 50% of the best cost rate available to any business customer for an equivalent of one 56 kbps dedicated circuit to the nearest access point for the requested service. However, the cost to the eligible user may not exceed \$100 a month.

(3) If funds from the interim universal access account are not sufficient to fully reimburse for discounts authorized in subsection (2), the amount of the discounts to each eligible user must be reduced proportionally.

(4) Even if best cost rates available to any business customer increase by more than 5%, the amount payable by an eligible user may not increase by more than 5% during the period from [the effective date of this section] to January 1, 2000.

(5) Subject to restrictions in federal law, if interstate universal access services are established by the federal communications commission, federal funding for universal access services must be used to reduce state funding for intrastate services.

NEW SECTION. Section 226. Interim universal access program -- funding -- surcharge rate. (1) (a) The interim universal access program is funded by a surcharge based on the retail revenue for all intrastate telecommunications services in the state. The surcharge must be determined by the administrator by rule. The surcharge must be set and applied to all telecommunications carriers on a competitively neutral basis. (b) The rate of the surcharge must be set to raise \$250,000 during the fiscal year ending June 30, 1998, and \$500,000 during the fiscal year ending June 30, 1999. The rate may be changed, by rule, as necessary.

(c) The payment of the surcharge is an explicit subsidy and may be shown as a separate line item on each carrier's retail telecommunications services bills.

(d) The surcharge may be applied only to telecommunications services. Customer premise equipment is not considered a telecommunications service.

(2) The surcharge is payable quarterly to the department of revenue and deposited by the department in the interim universal access account established in [section 26]. The department may by rule:

(a) establish the form of a reporting statement to be filed by telecommunications carriers subject to the surcharge;

(b) set the date after the end of a fiscal quarter that the quarterly payment must be made;

(c) provide for recordkeeping by telecommunications providers subject to the surcharge; and

(d) provide methods to pay the surcharge, including offsets of surcharges owed against discounted services to be reimbursed, and to pay refunds of overpayment of the surcharge.

(3) (a) The collection of a surcharge under this section is subject to:

(i) the deficiency assessment, review, interest, and penalty provisions of 15-53-105;

(ii) the penalty and interest for delinquency and waiver provisions of 15-53-111;

(iii) the estimation of tax on failure to file a statement provisions of 15-53-112;

(iv) the warrant for distraint provisions of 15-53-113; and

(v) the statute of limitations provisions of 15-53-115.

(b) Any reference to the tax under sections listed in subsection (3)(a), either by cite to a section of law

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or literally to the tax, refer, for the purposes of this section, to the surcharge imposed by this section.

NEW SECTION. Section 227. Interim universal access program -- account. An interim universal access account is established in the state special revenue fund in the state treasury. All money received by the department of revenue pursuant to [section 25] must be paid to the state treasurer for deposit in the account. After payment of refunds, the balance of the account must be used for the purposes described in [section 24].

NEW SECTION. Section 228. Commission to make recommendations on universal access and service. The public service commission shall examine and make recommendations to the 56th legislature on universal access and service. The commission shall:

- (1) review the impact on universal access and service in Montana of any federal universal service fund that results from current federal communications rulemaking under the federal Telecommunications Act of 1996; and
- (2) evaluate the extent to which the federal universal service fund falls short of supporting legislatively defined universal access and service goals in Montana.
- (3) The commission may develop plans and propose legislation that would ensure the attainment of universal access and service goals in Montana."

Renumber: subsequent sections

29. Page 29, line 14.

Strike: "RESALE OF TELECOMMUNICATIONS SERVICES,"

30. Page 29, lines 20 through 22.

Strike: subsection (7) in its entirety

Renumber: subsequent subsections

31. Page 29, line 24.

Following: "MONTANA"

Insert: "and are billed for a service address in Montana"

32. Page 35, line 19.

Insert: "NEW SECTION. Section 35. Telecommunications committee. (1) There is a telecommunications committee. The committee consists of:

- (a) two members of the senate, one from each political party, appointed by the committee on committees of the senate;
 - (b) two members of the house of representatives, one from each political party, appointed by the speaker of the house; and
 - (c) a representative of the public service commission appointed by the public service commission.
- (2) The committee shall monitor federal implementation of the federal Telecommunications Act of 1996, Public Law 104-104. The committee shall recommend to the 56th legislature policies, practices, and statutory changes that are required to implement or conform to the federal implementation.
- (3) The office of the consumer counsel shall provide staff assistance to the committee.

NEW SECTION. Section 36. Appropriation. (1) Subject to funds being available pursuant to subsection (2), there is appropriated from the state special revenue fund up to \$30,000 to the office of the consumer counsel for purposes of [section 35]. (2) The telecommunications committee may accept gifts, grants, and donations for deposit in the state special revenue fund for purposes of [section 35]."

Renumber: subsequent sections

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33. Page 35, lines 20 and 22.

Strike: "19" in two places

Insert: "27" in both places

34. Page 36, lines 4 through 6.

Following: "Effective" on line 4

Strike: "dates"

Insert: "date."

Following: "~~rulemaking~~"

Strike: the remainder of line 4 through "1997" on line 6

Insert: "[This act] is effective on passage and approval"

And, as amended, be concurred in. Report adopted.

JUDICIARY (Clark, Chairman):

SB 283, be amended as follows:

4/3/97

1. Title, line 5.

Strike: "AVAILABLE"

Insert: "THE"

2. Title, line 7.

Strike: "INCLUDE"

3. Title, line 8.

Strike: "STATEMENTS MADE, IF ANY,"

Insert: "BE ACCOMPANIED"

Strike: "PARENTS"

Insert: "PARENTS' STATEMENTS"

4. Title, line 9.

Following: "~~PETITION~~"

Insert: "OR AN APPEARANCE BY THE PARENTS AT THE HEARING ON THE PETITION"

5. Page 1, line 30.

Strike: ", IF THEY ARE REASONABLY AVAILABLE,"

6. Page 2, line 3.

Following: "~~granted~~"

Insert: "and to require that a judge may not issue an order granting the petition until the parents, if they are reasonably available, are given the opportunity to appear before the judge or have their written statements presented to the judge for consideration before an order is granted"

7. Page 2, lines 28 through 30.

Strike: ", AFFIDAVIT" on line 28 through "MADE" on line 30

Insert: "must also contain written statements prepared"

8. Page 3, line 2.

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Following: "petition"

Insert: "or must be presented to the court in the presence of the parents, who must be given an opportunity to address the court before the court rules on the petition"

9. Page 3, line 7.

Following: "with"

Insert: "the parents' statements included with"

Strike: "AND ANY"

10. Page 3, line 8.

Strike: "ACCOMPANYING AFFIDAVIT OR REPORT TO THE COURT"

Insert: "or of the parents' remarks in court in relation to the petition"

And, as amended, be concurred in. Report adopted.

NATURAL RESOURCES (Knox, Chairman):

4/3/97

SB 273, be amended as follows:

1. Page 4, lines 13,17, and 19.

Strike: "of 35 gallons a minute or less"

2. Page 4, line 20.

Strike: "does not object"

Insert: "consents"

3. Page 6, line 22.

Strike: "of 35 gallons a minute or less"

4. Page 6, line 25.

Strike: "does not object"

Insert: "consents"

And, as amended, be concurred in. Report adopted.

SB 337, be concurred in. Report adopted.

SB 339, be amended as follows:

1. Title, line 5.

Strike: the first "AND"

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE"

2. Page 1, line 20.

Following: "chapter."

Insert: "The conveyance of a tract of record or an entire parcel of land that was created by a previous division of land is not a division of land."

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3. Page 3, line 16.

Following: "OR"

Insert: "a similar statement, in addition to the legal description of the aggregate parcels,"

Strike: "EXPRESSES"

Insert: "expressing"

4. Page 5.

Following: line 24

Insert: "NEW SECTION. Section 4. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

NEW SECTION. Section 5. Effective date -- retroactive applicability. [This act] is effective on passage and approval, and [section 1] applies retroactively, within the meaning of 1-2-109, to local regulation of subdivisions."

And, as amended, be concurred in. Report adopted.

SB 342, be amended as follows:

1. Title, line 7.

Strike: the first "AND"

Insert: ", "

Following: "85-2-338,"

Insert: "AND 85-2-402,"

2. Page 4.

Following: line 14

Insert: "Section 3. Section 85-2-402, MCA, is amended to read:

"85-2-402. (Temporary) Changes in appropriation rights. (1) An appropriator may not make a change in an appropriation right except, as permitted under this section, by applying for and receiving the approval of the department or, if applicable, of the legislature. An applicant shall submit a correct and complete application.

(2) Except as provided in subsections (4) through (6), the department shall approve a change in appropriation right if the appropriator proves by a preponderance of evidence that the following criteria are met:

(a) The proposed use will not adversely affect the water rights of other persons or other planned uses or developments for which a permit has been issued or for which water has been reserved.

(b) Except for a lease authorization pursuant to 85-2-436, a temporary change authorization for instream use to benefit the fishery resource pursuant to 85-2-408, or water use pursuant to 85-2-439 when authorization does not require appropriation works, the proposed means of diversion, construction, and operation of the appropriation works are adequate.

(c) The proposed use of water is a beneficial use.

(d) Except for a lease authorization pursuant to 85-2-436 or a temporary change authorization pursuant to 85-2-408 or 85-2-439 for instream flow to benefit the fishery resource, the applicant has a possessory interest, or the written consent of the person with the possessory interest, in the property where the water is to be put to beneficial use.

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(e) If the change in appropriation right involves salvaged water, the proposed water-saving methods will salvage at least the amount of water asserted by the applicant.

(f) The water quality of an appropriator will not be adversely affected.

(g) The ability of a discharge permit holder to satisfy effluent limitations of a permit issued in accordance with Title 75, chapter 5, part 4, will not be adversely affected.

(3) The applicant is required to prove that the criteria in subsections (2)(f) and (2)(g) have been met only if a valid objection is filed. A valid objection must contain substantial credible information establishing to the satisfaction of the department that the criteria in subsection (2)(f) or (2)(g), as applicable, may not be met.

(4) The department may not approve a change in purpose of use or place of use of an appropriation of 4,000 or more acre-feet of water a year and 5.5 or more cubic feet per second of water unless the appropriator proves by a preponderance of evidence that:

(a) the criteria in subsection (2) are met; and

(b) the proposed change is a reasonable use. A finding of reasonable use must be based on a consideration of:

(i) the existing demands on the state water supply, as well as projected demands for water for future beneficial purposes, including municipal water supplies, irrigation systems, and minimum streamflows for the protection of existing water rights and aquatic life;

(ii) the benefits to the applicant and the state;

(iii) the effects on the quantity and quality of water for existing uses in the source of supply;

(iv) the availability and feasibility of using low-quality water for the purpose for which application has been made;

(v) the effects on private property rights by any creation of or contribution to saline seep; and

(vi) the probable significant adverse environmental impacts of the proposed use of water as determined by the department pursuant to Title 75, chapter 1, or Title 75, chapter 20.

(5) The department may not approve a change in purpose of use or place of use for a diversion that results in 4,000 or more acre-feet of water a year and 5.5 or more cubic feet per second of water being consumed unless:

(a) the applicant proves by clear and convincing evidence and the department finds that the criteria in subsections (2) and (4) are met; and

(b) the department then petitions the legislature and the legislature affirms the decision of the department after one or more public hearings.

(6) The state of Montana has long recognized the importance of conserving its public waters and the necessity to maintain adequate water supplies for the state's water requirements, including requirements for reserved water rights held by the United States for federal reserved lands and in trust for the various Indian tribes within the state's boundaries. Although the state of Montana also recognizes that, under appropriate conditions, the out-of-state transportation and use of its public waters are not in conflict with the public welfare of its citizens or the conservation of its waters, the following criteria must be met before out-of-state use may occur:

(a) The department and, if applicable, the legislature may not approve a change in appropriation right for the withdrawal and transportation of appropriated water for use outside the state unless the appropriator proves by clear and convincing evidence and, if applicable, the legislature approves after one or more public hearings that:

(i) depending on the volume of water diverted or consumed, the applicable criteria and procedures of subsection (2) or (4) are met;

(ii) the proposed out-of-state use of water is not contrary to water conservation in Montana; and

(iii) the proposed out-of-state use of water is not otherwise detrimental to the public welfare of the citizens of Montana.

(b) In determining whether the appropriator has proved by clear and convincing evidence that the

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requirements of subsections (6)(a)(ii) and (6)(a)(iii) will be met, the department and, if applicable, the legislature shall consider the following factors:

- (i) whether there are present or projected water shortages within the state of Montana;
- (ii) whether the water that is the subject of the proposed change in appropriation might feasibly be transported to alleviate water shortages within the state of Montana;
- (iii) the supply and sources of water available to the applicant in the state where the applicant intends to use the water; and

- (iv) the demands placed on the applicant's supply in the state where the applicant intends to use the water.

(c) When applying for a change in appropriation right to withdraw and transport water for use outside the state, the applicant shall submit to and comply with the laws of the state of Montana governing the appropriation and use of water.

(7) For any application for a change in appropriation right involving 4,000 or more acre-feet of water a year and 5.5 or more cubic feet per second of water, the department shall give notice of the proposed change in accordance with 85-2-307 and shall hold one or more hearings in accordance with 85-2-309 prior to its approval or denial of the proposed change. The department shall provide notice and may hold one or more hearings upon any other proposed change if it determines that a change might adversely affect the rights of other persons.

(8) The department or the legislature, if applicable, may approve a change subject to terms, conditions, restrictions, and limitations as it considers necessary to satisfy the criteria of this section, including limitations on the time for completion of the change. The department may extend time limits specified in the change approval under the applicable criteria and procedures of 85-2-312(3).

(9) Upon actual application of water to the proposed beneficial use within the time allowed, the appropriator shall notify the department that the appropriation has been completed. The notification must contain a certified statement by a person with experience in the design, construction, or operation of appropriation works describing how the appropriation was completed.

(10) If a change is not completed as approved by the department or legislature or if the terms, conditions, restrictions, and limitations of the change approval are not complied with, the department may, after notice and opportunity for hearing, require the appropriator to show cause why the change approval should not be modified or revoked. If the appropriator fails to show sufficient cause, the department may modify or revoke the change approval.

(11) The original of a change approval issued by the department must be sent to the applicant, and a duplicate must be kept in the office of the department in Helena.

(12) A person holding an issued permit or change approval that has not been perfected may change the place of diversion, place of use, purpose of use, or place of storage by filing an application for change pursuant to this section.

(13) A change in appropriation right contrary to the provisions of this section is invalid. An officer, agent, agency, or employee of the state may not knowingly permit, aid, or assist in any manner an unauthorized change in appropriation right. A person or corporation may not, directly or indirectly, personally or through an agent, officer, or employee, attempt to change an appropriation right except in accordance with this section.

(14) The department may adopt rules to implement the provisions of this section. (Terminates June 30, 1999--sec. 4, Ch. 740, L. 1991.)

85-2-402. (Effective July 1, 1999) Changes in appropriation rights. (1) An appropriator may not make a change in an appropriation right except, as permitted under this section, by applying for and receiving the approval of the department or, if applicable, of the legislature. An applicant shall submit a correct and complete application.

(2) Except as provided in subsections (4) through (6), the department shall approve a change in appropriation right if the appropriator proves by a preponderance of evidence that the following criteria are met:

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- (a) The proposed use will not adversely affect the water rights of other persons or other planned uses or developments for which a permit has been issued or for which water has been reserved.
- (b) Except for a temporary change authorization pursuant to 85-2-408 or for water use pursuant to 85-2-439 that does not require appropriation works, the proposed means of diversion, construction, and operation of the appropriation works are adequate.
- (c) The proposed use of water is a beneficial use.
- (d) Except for a temporary change authorization pursuant to 85-2-408 or 85-2-439 for instream flow to benefit the fishery resource, the applicant has a possessory interest, or the written consent of the person with the possessory interest, in the property where the water is to be put to beneficial use.
- (e) If the change in appropriation right involves salvaged water, the proposed water-saving methods will salvage at least the amount of water asserted by the applicant.
- (f) The water quality of an appropriator will not be adversely affected.
- (g) The ability of a discharge permit holder to satisfy effluent limitations of a permit issued in accordance with Title 75, chapter 5, part 4, will not be adversely affected.
- (3) The applicant is required to prove that the criteria in subsections (2)(f) and (2)(g) have been met only if a valid objection is filed. A valid objection must contain substantial credible information establishing to the satisfaction of the department that the criteria in subsection (2)(f) or (2)(g), as applicable, may not be met.
- (4) The department may not approve a change in purpose of use or place of use of an appropriation of 4,000 or more acre-feet of water a year and 5.5 or more cubic feet per second of water unless the appropriator proves by a preponderance of evidence that:
 - (a) the criteria in subsection (2) are met; and
 - (b) the proposed change is a reasonable use. A finding of reasonable use must be based on a consideration of:
 - (i) the existing demands on the state water supply, as well as projected demands for water for future beneficial purposes, including municipal water supplies, irrigation systems, and minimum streamflows for the protection of existing water rights and aquatic life;
 - (ii) the benefits to the applicant and the state;
 - (iii) the effects on the quantity and quality of water for existing uses in the source of supply;
 - (iv) the availability and feasibility of using low-quality water for the purpose for which application has been made;
 - (v) the effects on private property rights by any creation of or contribution to saline seep; and
 - (vi) the probable significant adverse environmental impacts of the proposed use of water as determined by the department pursuant to Title 75, chapter 1, or Title 75, chapter 20.
- (5) The department may not approve a change in purpose of use or place of use for a diversion that results in 4,000 or more acre-feet of water a year and 5.5 or more cubic feet per second of water being consumed unless:
 - (a) the applicant proves by clear and convincing evidence and the department finds that the criteria in subsections (2) and (4) are met; and
 - (b) the department then petitions the legislature and the legislature affirms the decision of the department after one or more public hearings.
- (6) The state of Montana has long recognized the importance of conserving its public waters and the necessity to maintain adequate water supplies for the state's water requirements, including requirements for reserved water rights held by the United States for federal reserved lands and in trust for the various Indian tribes within the state's boundaries. Although the state of Montana also recognizes that, under appropriate conditions, the out-of-state transportation and use of its public waters are not in conflict with the public welfare of its citizens or the conservation of its waters, the following criteria must be met before out-of-state use may occur:
 - (a) The department and, if applicable, the legislature may not approve a change in appropriation right for

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the withdrawal and transportation of appropriated water for use outside the state unless the appropriator proves by clear and convincing evidence and, if applicable, the legislature approves after one or more public hearings that:

- (i) depending on the volume of water diverted or consumed, the applicable criteria and procedures of subsection (2) or (4) are met;
- (ii) the proposed out-of-state use of water is not contrary to water conservation in Montana; and
- (iii) the proposed out-of-state use of water is not otherwise detrimental to the public welfare of the citizens of Montana.

(b) In determining whether the appropriator has proved by clear and convincing evidence that the requirements of subsections (6)(a)(ii) and (6)(a)(iii) will be met, the department and, if applicable, the legislature shall consider the following factors:

- (i) whether there are present or projected water shortages within the state of Montana;
- (ii) whether the water that is the subject of the proposed change in appropriation might feasibly be transported to alleviate water shortages within the state of Montana;
- (iii) the supply and sources of water available to the applicant in the state where the applicant intends to use the water; and

(iv) the demands placed on the applicant's supply in the state where the applicant intends to use the water.

(c) When applying for a change in appropriation right to withdraw and transport water for use outside the state, the applicant shall submit to and comply with the laws of the state of Montana governing the appropriation and use of water.

(7) For any application for a change in appropriation right involving 4,000 or more acre-feet of water a year and 5.5 or more cubic feet per second of water, the department shall give notice of the proposed change in accordance with 85-2-307 and shall hold one or more hearings in accordance with 85-2-309 prior to its approval or denial of the proposed change. The department shall provide notice and may hold one or more hearings upon any other proposed change if it determines that such a change might adversely affect the rights of other persons.

(8) The department or the legislature, if applicable, may approve a change subject to such terms, conditions, restrictions, and limitations as it considers necessary to satisfy the criteria of this section, including limitations on the time for completion of the change. The department may extend time limits specified in the change approval under the applicable criteria and procedures of 85-2-312(3).

(9) Upon actual application of water to the proposed beneficial use within the time allowed, the appropriator shall notify the department that the appropriation has been completed. The notification must contain a certified statement by a person with experience in the design, construction, or operation of appropriation works describing how the appropriation was completed.

(10) If a change is not completed as approved by the department or legislature or if the terms, conditions, restrictions, and limitations of the change approval are not complied with, the department may, after notice and opportunity for hearing, require the appropriator to show cause why the change approval should not be modified or revoked. If the appropriator fails to show sufficient cause, the department may modify or revoke the change approval.

(11) The original of a change approval issued by the department must be sent to the applicant, and a duplicate must be kept in the office of the department in Helena.

(12) A person holding an issued permit or change approval that has not been perfected may change the place of diversion, place of use, purpose of use, or place of storage by filing an application for change pursuant to this section.

(13) A change in appropriation right contrary to the provisions of this section is invalid. An officer, agent, agency, or employee of the state may not knowingly permit, aid, or assist in any manner an unauthorized change in appropriation right. A person or corporation may not, directly or indirectly, personally or through an agent, officer, or employee, attempt to change an appropriation right except in accordance with this section.

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(14) The department may adopt rules to implement the provisions of this section. (Terminates June 30, 2005--sec. 6, Ch. 322, L. 1995.)

85-2-402. (Effective July 1, 2005) Changes in appropriation rights. (1) An appropriator may not make a change in an appropriation right except, as permitted under this section, by applying for and receiving the approval of the department or, if applicable, of the legislature. An applicant shall submit a correct and complete application.

(2) Except as provided in subsections (4) through (6), the department shall approve a change in appropriation right if the appropriator proves by a preponderance of evidence that the following criteria are met:

(a) The proposed use will not adversely affect the water rights of other persons or other planned uses or developments for which a permit has been issued or for which water has been reserved.

(b) The proposed means of diversion, construction, and operation of the appropriation works are adequate.

(c) The proposed use of water is a beneficial use.

(d) The applicant has a possessory interest, or the written consent of the person with the possessory interest, in the property where the water is to be put to beneficial use.

(e) If the change in appropriation right involves salvaged water, the proposed water-saving methods will salvage at least the amount of water asserted by the applicant.

(f) The water quality of an appropriator will not be adversely affected.

(g) The ability of a discharge permit holder to satisfy effluent limitations of a permit issued in accordance with Title 75, chapter 5, part 4, will not be adversely affected.

(3) The applicant is required to prove that the criteria in subsections (2)(f) and (2)(g) have been met only if a valid objection is filed. A valid objection must contain substantial credible information establishing to the satisfaction of the department that the criteria in subsection (2)(f) or (2)(g), as applicable, may not be met.

(4) The department may not approve a change in purpose of use or place of use of an appropriation of 4,000 or more acre-feet of water a year and 5.5 or more cubic feet per second of water unless the appropriator proves by a preponderance of evidence that:

(a) the criteria in subsection (2) are met;

(b) the proposed change is a reasonable use. A finding of reasonable use must be based on a consideration of:

(i) the existing demands on the state water supply, as well as projected demands for water for future beneficial purposes, including municipal water supplies, irrigation systems, and minimum streamflows for the protection of existing water rights and aquatic life;

(ii) the benefits to the applicant and the state;

(iii) the effects on the quantity and quality of water for existing uses in the source of supply;

(iv) the availability and feasibility of using low-quality water for the purpose for which application has been made;

(v) the effects on private property rights by any creation of or contribution to saline seep; and

(vi) the probable significant adverse environmental impacts of the proposed use of water as determined by the department pursuant to Title 75, chapter 1, or Title 75, chapter 20.

(5) The department may not approve a change in purpose of use or place of use for a diversion that results in 4,000 or more acre-feet of water a year and 5.5 or more cubic feet per second of water being consumed unless:

(a) the applicant proves by clear and convincing evidence and the department finds that the criteria in subsections (2) and (4) are met; and

(b) the department then petitions the legislature and the legislature affirms the decision of the department after one or more public hearings.

(6) The state of Montana has long recognized the importance of conserving its public waters and the necessity to maintain adequate water supplies for the state's water requirements, including requirements

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for reserved water rights held by the United States for federal reserved lands and in trust for the various Indian tribes within the state's boundaries. Although the state of Montana also recognizes that, under appropriate conditions, the out-of-state transportation and use of its public waters are not in conflict with the public welfare of its citizens or the conservation of its waters, the following criteria must be met before out-of-state use may occur:

(a) The department and, if applicable, the legislature may not approve a change in appropriation right for the withdrawal and transportation of appropriated water for use outside the state unless the appropriator proves by clear and convincing evidence and, if applicable, the legislature approves after one or more public hearings that:

- (i) depending on the volume of water diverted or consumed, the applicable criteria and procedures of subsection (2) or (4) are met;
- (ii) the proposed out-of-state use of water is not contrary to water conservation in Montana; and
- (iii) the proposed out-of-state use of water is not otherwise detrimental to the public welfare of the citizens of Montana.

(b) In determining whether the appropriator has proved by clear and convincing evidence that the requirements of subsections (6)(a)(ii) and (6)(a)(iii) will be met, the department and, if applicable, the legislature shall consider the following factors:

- (i) whether there are present or projected water shortages within the state of Montana;
 - (ii) whether the water that is the subject of the proposed change in appropriation might feasibly be transported to alleviate water shortages within the state of Montana;
 - (iii) the supply and sources of water available to the applicant in the state where the applicant intends to use the water; and
 - (iv) the demands placed on the applicant's supply in the state where the applicant intends to use the water.
- (c) When applying for a change in appropriation right to withdraw and transport water for use outside the state, the applicant shall submit to and comply with the laws of the state of Montana governing the appropriation and use of water.

(7) For any application for a change in appropriation right involving 4,000 or more acre-feet of water a year and 5.5 or more cubic feet per second of water, the department shall give notice of the proposed change in accordance with 85-2-307 and shall hold one or more hearings in accordance with 85-2-309 prior to its approval or denial of the proposed change. The department shall provide notice and may hold one or more hearings upon any other proposed change if it determines that such a change might adversely affect the rights of other persons.

(8) The department or the legislature, if applicable, may approve a change subject to such terms, conditions, restrictions, and limitations as it considers necessary to satisfy the criteria of this section, including limitations on the time for completion of the change. The department may extend time limits specified in the change approval under the applicable criteria and procedures of 85-2-312(3).

(9) Upon actual application of water to the proposed beneficial use within the time allowed, the appropriator shall notify the department that the appropriation has been completed. The notification must contain a certified statement by a person with experience in the design, construction, or operation of appropriation works describing how the appropriation was completed.

(10) If a change is not completed as approved by the department or legislature or if the terms, conditions, restrictions, and limitations of the change approval are not complied with, the department may, after notice and opportunity for hearing, require the appropriator to show cause why the change approval should not be modified or revoked. If the appropriator fails to show sufficient cause, the department may modify or revoke the change approval.

(11) The original of a change approval issued by the department must be sent to the applicant, and a duplicate must be kept in the office of the department in Helena.

(12) A person holding an issued permit or change approval that has not been perfected may change the place of diversion, place of use, purpose of use, or place of storage by filing an application for change

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pursuant to this section.

(13) A change in appropriation right contrary to the provisions of this section is invalid. An officer, agent, agency, or employee of the state may not knowingly permit, aid, or assist in any manner an unauthorized change in appropriation right. A person or corporation may not, directly or indirectly, personally or through an agent, officer, or employee, attempt to change an appropriation right except in accordance with this section.

(14) The department may adopt rules to implement the provisions of this section."

Renumber: subsequent sections

3. Page 4, lines 21 and 23.

Strike: "3"

Insert: "4"

And, as amended, be concurred in. Report adopted.

SB 377, be amended as follows:

1. Title, line 7.

Strike: "FINES, PENALTIES,"

2. Title, lines 12 and 13.

Strike: "75-2-412" on line 12 through "75-10-542," on line 13

3. Title, line 14.

Following: "75-10-720,"

Insert: "AND"

Strike: "82-4-141, AND 82-4-241,"

4. Page 3, line 26.

Strike: "27"

Insert: "13"

5. Page 5, line 8.

Strike: "if there are sufficient unallocated funds remaining."

Following: "year"

Insert: ", "

6. Page 5, line 10.

Strike: "27"

Insert: "13"

7. Page 6, line 20.

Strike: "27"

Insert: "13"

8. Pages 7 through 15.

Strike: Sections 4 through 15 in their entirety

Renumber: subsequent sections

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9. Page 17, line 9.

Strike: "26"

Insert: "12"

Strike: "36"

Insert: "22"

10. Page 17, line 11.

Strike: "27"

Insert: "13"

11. Page 22, line 10.

Strike: "26"

Insert: "12"

Strike: "36"

Insert: "22"

12. Page 30, line 25.

Strike: "26"

Insert: "12"

Strike: "36"

Insert: "22"

13. Page 30, line 26.

Strike: "34"

Insert: "20"

Strike: "35"

Insert: "21"

14. Page 30, line 28.

Strike: "27"

Insert: "13"

15. Page 30, line 29.

Strike: "26"

Insert: "12"

Strike: "36"

Insert: "22"

16. Page 31, line 1.

Strike: "26"

Insert: "12"

Strike: "36"

Insert: "22"

17. Page 31, line 3.

Strike: "26"

Insert: "12"

Strike: "36"

Insert: "22"

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18. Page 32, line 14.

Strike: "27"

Insert: "13"

19. Page 32, line 23.

Strike: "34"

Insert: "20"

20. Page 33, line 12 through page 34, line 5.

Strike: Sections 23 and 24 in their entirety

Re-number: subsequent sections

21. Page 34, line 19.

Strike: "26"

Insert: "12"

Strike: "36"

Insert: "22"

22. Page 34, line 26.

Strike: "26"

Insert: "12"

Strike: "36"

Insert: "22"

23. Page 34, line 30 through page 35, line 1.

Strike: subsection (b) in its entirety.

Re-number: subsequent subsections.

24. Page 35, line 2.

Strike: "34(12)"

Insert: "20(12)"

25. Page 35, line 11.

Following: " ; "

Insert: "and"

26. Page 35, line 13.

Strike: " ; "

Insert: " . "

27. Page 35, lines 14 through 17.

Strike: subsections (j) and (k) in their entirety

28. Page 35, line 29.

Strike: "29"

Insert: "15"

29. Page 36, line 2.

Strike: "26"

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Insert: "12"
Strike: "36"
Insert: "22"

30. Page 36, line 9.
Strike: "26"
Insert: "12"
Strike: "36"
Insert: "22"

31. Page 36, line 16.
Strike: "30"
Insert: "16"

32. Page 36, line 30.
Strike: "26"
Insert: "12"
Strike: "36"
Insert: "22"

33. Page 37, line 3.
Strike: "26"
Insert: "12"
Strike: "36"
Insert: "22"

34. Page 37, line 5.
Strike: "29"
Insert: "15"

35. Page 37, line 15.
Strike: "26"
Insert: "12"
Strike: "36"
Insert: "22"

36. Page 37, line 18.
Strike: "34"
Insert: "20"

37. Page 38, line 13.
Strike: "31"
Insert: "17"

38. Page 38, line 15.
Strike: "34(9)"
Insert: "20(9)"
Strike: "35"
Insert: "21"

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39. Page 38, line 17.

Strike: "26"

Insert: "12"

Strike: "36"

Insert: "22"

40. Page 40, line 5.

Strike: "31"

Insert: "17"

Strike: "34"

Insert: "20"

Strike: "35"

Insert: "21"

41. Page 40, line 6.

Strike: "34"

Insert: "20"

42. Page 40, line 8.

Strike: "31"

Insert: "17"

43. Page 40, line 22.

Strike: "29"

Insert: "15"

44. Page 42, line 17.

Strike: "31"

Insert: "17"

45. Page 42, line 22.

Strike: "34"

Insert: "20"

46. Page 42, line 23.

Strike: "34"

Insert: "20"

47. Page 42, line 24.

Strike: "33"

Insert: "19"

48. Page 42, line 27.

Strike: "32"

Insert: "18"

49. Page 42, line 28.

Strike: "32"

Insert: "18"

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50. Page 43, line 14.

Strike: "27"

Insert: "13"

51. Page 44, line 12.

Strike: "31"

Insert: "17"

52. Page 46, line 6.

Strike: "27"

Insert: "13"

53. Page 46, line 24.

Strike: "34"

Insert: "20"

54. Page 46, line 26.

Strike: "34"

Insert: "20"

55. Page 46, line 30.

Strike: "31"

Insert: "17"

56. Page 47, line 1.

Strike: "26"

Insert: "12"

Strike: "36"

Insert: "22"

57. Page 47, line 2.

Strike: "31"

Insert: "17"

58. Page 47, line 3.

Strike: "26"

Insert: "12"

Strike: "36"

Insert: "22"

59. Page 47, line 4.

Strike: "26"

Insert: "12"

Strike: "36"

Insert: "22"

60. Page 48, line 25.

Strike: "25"

Insert: "11"

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Strike: "36"
Insert: "22"

61. Page 48, line 27.
Strike: "25"
Insert: "11"
Strike: "36"
Insert: "22"

62. Page 48, line 29.
Strike: "instructions"
Insert: "instruction"
Strike: "(1)"

63. Page 48, line 30.
Strike: the first "the" through "in"
Insert: "then"

64. Page 48, line 30 through page 49, line 1.
Strike: ", relating" on page 48, line 30 through "are" on page 49, line 1
Insert: "is"

65. Page 49, lines 2 through 7.
Strike: subsections (2) and (3) in their entirety

66. Page 49, line 9.
Strike: "25"
Insert: "11"
Strike: "36"
Insert: "22"

67. Page 49, line 10.
Strike: "25"
Insert: "11"
Strike: "36"
Insert: "22"

68. Page 49, line 16.
Strike: "17"
Insert: "5"

69. Page 49, line 19.
Strike: "26"
Insert: "12"
Strike: "36"
Insert: "22"

And, as amended, be concurred in. Report adopted.

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MESSAGES FROM THE SENATE

Senate joint resolution passed and transmitted to the House for concurrence:

4/3/97

SJR 15, introduced by Keating

Senate bills passed and transmitted to the House for concurrence:

4/3/97

SB 354, introduced by Waterman

SB 372, introduced by Waterman

SB 389, introduced by Baer

SB 392, introduced by Crippen

SB 393, introduced by Taylor

SB 395, introduced by Mahlum

SB 396, introduced by Foster

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 4/3/97

HB 68, introduced by McGee

HB 125, introduced by Grady

**FIRST READING AND COMMITMENT
OF BILLS AND RESOLUTIONS**

The following House bill was introduced, read first time, and referred to committee:

HB 616, introduced by Anderson, referred to Committee on Transportation.

The following Senate bills were introduced, read first time, and referred to committees:

SB 354, introduced by Waterman, Mills, Ewer, Mesaros, Grosfield, Tash, Marshall, Beck, Eck, Jabs, Cobb, Ream, Sands, Wyatt, Bowman Shea, Hibbard, Halligan, Smith, Crippen, Toews, Carey, Rehbein, Stovall, Bohlinger, Bartlett, R. Johnson, Swysgood, Rose, Taylor, Simpkins, Burnett, Swanson, Barnhart, DePratu, J. Johnson, Schmidt, Ahner, Taylor, Grimes, referred to Committee on Business & Labor.

SB 372, introduced by Waterman, referred to Committee on Taxation.

SB 389, introduced by Baer, Orr, Adams, Burnett, Curtiss, Denny, Molnar, Mohl, Bankhead, Devlin, Soft, Boharski, Gage, Devaney, Brainard, Prouse, Rehbein, Thomas, Stang, Sliter, DeBruycker, Taylor, DePratu, Stovall, Mesaros, Aklestad, Jenkins, Beck, Jabs, Harp, Hertel, Sprague, Crippen, Mahlum, Halligan, Holden, Benedict, Hargrove, Crismore, Jore, McNutt, Keating, Clark, Grosfield, Van Valkenburg, Emerson, Estrada, referred to Committee on Taxation.

SB 392, introduced by Crippen, Harp, Foster, Devlin, Grinde, Aklestad, Ohs, Sliter, Mercer, Hibbard, referred to Committee on Taxation.

SB 393, introduced by Taylor, Beaudry, Lynch, Harp, Denny, Mills, Sprague, Beck, Tash, Doherty, Adams, Bankhead, Bohlinger, Knox, Wilson, Mesaros, Foster, Toews, Stang, Mohl, Crismore, DePratu, Clark, Anderson, Mahlum, Jenkins, Grosfield, Thomas, Benedict, Wagner, Grinde, McCann, referred to Committee on Taxation.

SB 395, introduced by Mahlum, Cole, Swysgood, Tash, Story, Beaudry, Devlin, Beck, Ohs, Swanson, Eck, referred to Committee on Taxation.

SB 396, introduced by Foster, Simon, Thomas, Grady, Beaudry, DeBruycker, Hertel, Dowell, Harrington,

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McCarthy, Sliter, Knox, Pavlovich, Grinde, Denny, Ryan, Wilson, Quilici, Kottel, referred to Committee on Business & Labor.

SJR 15, introduced by Keating, Quilici, Wilson, Halligan, Estrada, Lynch, Eck, Christiaens, Bowman Shea, Van Valkenburg, H. Hanson, Waterman, Bartlett, Stang, Miller, Doherty, Mahlum, Taylor, McCarthy, Crismore, Hertel, Jabs, Sprague, Baer, Gage, Franklin, Nelson, Jergeson, Benedict, Glaser, Bishop, Cole, Clark, referred to Committee on State Administration.

MOTIONS

Representative Grinde moved the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on Senate amendments to **SB 48**. Motion carried.

Mr. Speaker appointed the following members:

Representative R. Johnson, Chairman
Representative Wyatt
Representative Molnar

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 8:00 a.m., Friday, April 4, 1997. Motion carried.

House adjourned at 5:59 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL
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Helena, Montana
April 4, 1997

House Chambers
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Trexler. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journal for the sixty-seventh legislative day, find the same to be correct.

Hayne, Chairman

COMMUNICATIONS AND PETITIONS

City of Helena Proclamation.

Whereas, Special Olympics is an international program of year-round sports training and competition for children and adults with mental retardation; and Whereas, the goal is for Special Olympians to have the opportunity to become useful and productive citizens; and Whereas the benefits of participation in Special Olympics include improved physical fitness, greater self-confidence, friendships and increased family support. Special Olympians carry these qualities with them into their daily lives and into our community; and Whereas Montana Special Olympics receives no state or federal dollars and is not a United Way Agency, therefore, nearly 2000 Montana Special Olympians depend upon local support for funds to host physical fitness activity, sports training, and competition.

Now therefore, I, Colleen McCarthy, Mayor of the City of Helena, Montana, do hereby proclaim April 4, 1997 as "SPECIAL OLYMPICS DAY" in the City of Helena, Montana and urge citizens to dig deep to provide the necessary support for the activities that mean so much to the Special Olympians.

Mr. Speaker announced that April 4, 1997 would also be proclaimed as "Special Olympics Day" in the Montana House of Representatives.

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman):

4/4/97

Correctly printed for second reading: SB 266, SB 286, SB 337, SB 378, SB 379, SB 350, SB 365, SB 368, SB 342, SB 283, SB 284, SB 290, SB 19, SB 377, SB 339, SB 89, SB 84, HB 604, HB 615, SJR 16.

Correctly engrossed for third reading: SB 97, SB 112, SB 113, SB 118, SB 151, SB 159, SB 167, SB 180, SB 181, SB 16, SB 21, SB 25, SB 27, SB 28, SB 375, SB 361, SB 310, SB 311, SB 326, SB 341, SB 331, SB 344, SB 349, SB 265, SB 273, SB 277, SB 287, SB 297, SB 308, SB 182, SB 188, SB 193, SB 198, SB 201, SB 205, SB 212, SB 219, SB 224, SB 226, SB 234, SB 239, SB 244, SB 245, SB 246, SB 252, SB 257, SB 83, SB 85, SB 87, SB 94, SB 28, SB 29, SB 32, SB 33, SB 44, SB 50, SB 51, SB 63, SB 79, SB 259, SB 263, SB 309, SB 304, SB 288, SB 286, SB 285, SB 282, SB 275, SB 266, SB 340, SB 337, SB 335, SB 329, SB 325, SB 316, SB 314.

Correctly enrolled: HB 160, HB 174, HB 278, HB 318, HB 377, HB 421, HB 533, HB 544, HB 560.

Examined by the sponsor and found to be correct: HB 160, HB 174, HB 278, HB 318, HB 377, HB 421, HB 533, HB 544, HB 560.

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APPROPRIATIONS (Zook, Chairman):
SB 84, be amended as follows:

4/4/97

1. Page 2, line 22.

Following: line 21

Insert: "(7) The calculation in subsection (6) is not intended to allow the university system to retain the calculated amount of funds. Waivers must be given to eligible students."

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

House bill not concurred in and returned to the House:

3/28/97

HB 492, introduced by Harper

MESSAGES FROM THE GOVERNOR

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 2, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 90 sponsored by Representative Wiseman on April 2, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 2, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 91 sponsored by Representative Wiseman on April 2, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House

April 2, 1997

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State Capitol
Helena, Montana 59620

Dear Representative Mercer:

Please be informed that I have signed House Bill 341 sponsored by Representative Mercer et al. on April 2, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 2, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 495 sponsored by Representative Mills et al. on April 2, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 3, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 154 sponsored by Representative L. Taylor on April 3, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 3, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 412 sponsored by Representative Bergman et al. on April 3, 1997.

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Sincerely,

MARC RACICOT
Governor

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HJR 31 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Adams, Jore, Orr, Rehbein, Vick.

Total 5

Excused: None.

Total 0

Absent or not voting: Keenan, Smith.

Total 2

SB 21 concurred in as follows:

Ayes: Ahner, Barnett, Barnhart, Beaudry, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Hagener, M. Hanson, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, Kitzenberg, Knox, Kottel, Lawson, Marshall, Masolo, McCulloch, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Prouse, Quilici, Ream, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 66

Noes: Adams, Anderson, Arnott, Bankhead, Bergman, Bergsagel, Boharski, Brainard, Curtiss, DeBruycker, Denny, Devaney, Feland, Grinde, H.S. Hanson, Harper, R. Johnson, Jore, Kasten, Keenan, Krenzler, McCann, McGee, Peck, Raney, Rehbein, Rose, Sliter, Soft, Story, Wagner, Walters.

Total 32

Excused: None.

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Total 0

Absent or not voting: Molnar, Smith.

Total 2

SB 25 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Smith.

Total 1

SB 27 concurred in as follows:

Ayes: Barnhart, Bohlinger, Bookout, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Hibbard, Hurdle, J. Johnson, Kasten, Kitzenberg, Kottel, Krenzler, McCulloch, McGee, Menahan, Mills, Ohs, Pavlovich, Pease, Peck, Raney, Ream, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Wells, Whitehead, Wiseman, Wyatt, Zook.

Total 58

Noes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Brainard, Cobb, Denny, Feland, Grinde, M. Hanson, Heavy Runner, Holland, R. Johnson, Jore, Keenan, Knox, Lawson, Marshall, Masolo, McCann, Molnar, Mood, Orr, Prouse, Quilici, Rehbein, Rose, Sliter, Taylor, Vick, Wagner, Walters, Mr. Speaker.

Total 40

Excused: None.

Total 0

Absent or not voting: Smith, Soft.

Total 2

SB 29 concurred in as follows:

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Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Prouse, Quilici, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Boharski, DeBruycker, Keenan, McGee, Peck, Raney.

Total 6

Excused: None.

Total 0

Absent or not voting: Smith.

Total 1

SB 32 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 82

Noes: Bankhead, Barnett, Boharski, Brainard, Curtiss, Devaney, Grinde, Hayne, Jore, Keenan, McGee, Ohs, Orr, Rehbein, Sliter, Vick, Wagner.

Total 17

Excused: None.

Total 0

Absent or not voting: Smith.

Total 1

SB 33 concurred in as follows:

Ayes: Ahner, Anderson, Barnhart, Beaudry, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Whitehead, Wiseman,

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Wyatt, Zook, Mr. Speaker.

Total 77

Noes: Adams, Arnott, Bankhead, Barnett, Bergman, Boharski, DeBruycker, Devaney, Grinde, Hayne, Holland, Jore, Keenan, McGee, Orr, Prouse, Rehbein, Sliter, Vick, Wagner, Walters, Wells.

Total 22

Excused: None.

Total 0

Absent or not voting: Smith.

Total 1

SB 44 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Clark, Cobb, Cocchiarella, Curtiss, Denny, Ellingson, Ellis, Feland, Galvin, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, Mills, Molnar, Mood, Orr, Pavlovich, Quilici, Rehbein, Rose, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 64

Noes: Barnhart, Brainard, Carey, DeBruycker, Devaney, Dowell, Ewer, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, Kottel, Krenzler, Lawson, Masolo, McCann, McCulloch, McGee, Menahan, Ohs, Pease, Peck, Prouse, Raney, Ream, Ryan, Sands, Schmidt, Swanson, Tropila, Tuss, Wyatt.

Total 35

Excused: None.

Total 0

Absent or not voting: Smith.

Total 1

SB 50 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Bergsagel, Carey, DeBruycker, Hagener, Hurdle, Krenzler, McCann, Peck, Schmidt, Tropila.

Total 10

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Excused: None.

Total 0

Absent or not voting: Smith.

Total 1

SB 51 concurred in as follows:

Ayes: Ahner, Anderson, Barnett, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Soft, Squires, Stovall, Swanson, Tash, Tropila, Tuss, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 75

Noes: Adams, Arnott, Bankhead, Barnhart, Bergsagel, Boharski, Brainard, Curtiss, DeBruycker, Hayne, Jore, McCann, McGee, Molnar, Orr, Prouse, Rehbein, Sliter, Story, Taylor, Trexler, Vick, Wagner, Walters.

Total 24

Excused: None.

Total 0

Absent or not voting: Smith.

Total 1

SB 63 concurred in as follows:

Ayes: Anderson, Barnett, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Cobb, Cocchiarella, Devaney, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, Mills, Molnar, Mood, Pavlovich, Pease, Prouse, Quilici, Rose, Ryan, Simpkins, Simpson, Sliter, Soft, Squires, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 58

Noes: Adams, Ahner, Arnott, Bankhead, Barnhart, Bergsagel, Boharski, Brainard, Carey, Clark, Curtiss, DeBruycker, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Harper, Hurdle, Jore, Keenan, Kitzenberg, McCann, McGee, Menahan, Ohs, Orr, Peck, Raney, Ream, Rehbein, Sands, Schmidt, Simon, Story, Trexler, Vick, Wagner, Walters, Wyatt.

Total 41

Excused: None.

Total 0

Absent or not voting: Smith.

Total 1

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SB 79 concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnhart, Beaudry, Bergman, Bergsagel, Bohlinger, Bookout, Carey, Clark, Cocchiarella, Curtiss, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 71

Noes: Adams, Arnott, Barnett, Bitney, Boharski, Brainard, Cobb, DeBruycker, Denny, Feland, M. Hanson, Hayne, Holland, R. Johnson, Jore, Kasten, Keenan, Molnar, Orr, Prouse, Rehbein, Sliter, Trexler, Vick, Wagner, Walters, Wells.

Total 27

Excused: None.

Total 0

Absent or not voting: Harper, Smith.

Total 2

SB 83 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Barnhart, Gillan, R. Johnson, Jore, Kasten, McCann.

Total 6

Excused: None.

Total 0

Absent or not voting: Smith.

Total 1

SB 85 concurred in as follows:

Ayes: Barnhart, Bergman, Bitney, Bohlinger, Carey, Clark, Cocchiarella, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kottel, Krenzler, Marshall, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Soft, Squires,

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Stovall, Swanson, Tropila, Tuss, Wells, Whitehead, Wiseman, Wyatt.
Total 57

Noes: Adams, Ahner, Anderson, Arnott, Barnett, Beaudry, Bergsagel, Boharski, Bookout, Brainard, Cobb, Curtiss, DeBruycker, Denny, Feland, Grady, Grinde, Hayne, Holland, Jore, Kasten, Keenan, Kitzenberg, Knox, Lawson, Masolo, McGee, Molnar, Orr, Prouse, Rehbein, Sliter, Story, Tash, Taylor, Trexler, Vick, Wagner, Walters, Zook, Mr. Speaker.
Total 41

Excused: None.
Total 0

Absent or not voting: Bankhead, Smith.
Total 2

SB 87 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 99

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Smith.
Total 1

SB 94 concurred in as follows:

Ayes: Ahner, Barnhart, Beaudry, Bitney, Bohlinger, Bookout, Carey, Cobb, Cocchiarella, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Hagener, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, Menahan, Mills, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simpkins, Simpson, Soft, Squires, Story, Stovall, Swanson, Taylor, Trexler, Tuss, Whitehead, Wiseman, Wyatt, Mr. Speaker.
Total 62

Noes: Adams, Anderson, Arnott, Bankhead, Barnett, Bergman, Bergsagel, Boharski, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Feland, Grinde, H.S. Hanson, Hayne, Holland, Jore, Kasten, Keenan, McCann, McGee, Molnar, Mood, Orr, Rehbein, Simon, Sliter, Tash, Tropila, Vick, Wagner, Walters, Wells, Zook.

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Total 37

Excused: None.

Total 0

Absent or not voting: Smith.

Total 1

SB 95 concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Adams, Cobb, Curtiss, DeBruycker, Hayne, Jore, Kasten, Orr, Vick, Wells.

Total 10

Excused: None.

Total 0

Absent or not voting: Smith.

Total 1

SB 112 concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 84

Noes: Adams, Arnott, Bergsagel, Boharski, Brainard, DeBruycker, R. Johnson, Jore, Keenan, McGee, Orr, Prouse, Rehbein, Vick, Wagner.

Total 15

Excused: None.

Total 0

Absent or not voting: Smith.

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Total 1

SB 113 concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Adams, Boharski, Cobb, Jore, Keenan, Orr.

Total 6

Excused: None.

Total 0

Absent or not voting: Smith.

Total 1

SB 118 concurred in as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cocchiarella, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 78

Noes: Adams, Arnott, Bankhead, Bergsagel, Boharski, Brainard, Cobb, Curtiss, DeBruycker, Jore, Masolo, McCann, McGee, Orr, Peck, Prouse, Soft, Vick, Wagner, Wells, Whitehead.

Total 21

Excused: None.

Total 0

Absent or not voting: Smith.

Total 1

SB 159 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell,

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Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 95

Noes: Denny, Keenan, Whitehead.
Total 3

Excused: None.
Total 0

Absent or not voting: Smith, Taylor.
Total 2

SB 167 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 89

Noes: DeBruycker, Hayne, Jore, Kasten, Keenan, McGee, Orr, Rehbein, Wells.
Total 9

Excused: None.
Total 0

Absent or not voting: Holland, Smith.
Total 2

SB 180 concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

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Total 87

Noes: Adams, Arnott, Cobb, Jore, Kasten, Keenan, McGee, Mood, Prouse, Sliter, Vick, Wagner.

Total 12

Excused: None.

Total 0

Absent or not voting: Smith.

Total 1

SB 182 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Smith.

Total 1

SB 188 concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 85

Noes: Adams, Arnott, Boharski, DeBruycker, Denny, Grimes, Jore, Keenan, McGee, Molnar, Prouse, Rehbein, Trexler, Vick.

Total 14

Excused: None.

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Total 0

Absent or not voting: Smith:

Total 1

SB 198 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, Denny, Devaney, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McGee, Mills, Molnar, Mood, Ohs, Orr, Peck, Prouse, Raney, Rehbein, Rose, Ryan, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 77

Noes: Bergsagel, Carey, Cocchiarella, DeBruycker, Dowell, Ellingson, Harper, Harrington, Hurdle, Kottel, McCulloch, Menahan, Pavlovich, Pease, Quilici, Ream, Sands, Squires, Tropila, Tuss, Whitehead, Wyatt.

Total 22

Excused: None.

Total 0

Absent or not voting: Smith.

Total 1

SB 201 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Feland, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Prouse, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 81

Noes: Barnhart, Boharski, Carey, Cocchiarella, Ellingson, Ewer, Galvin, Harper, Hurdle, Keenan, Pease, Peck, Ream, Sands, Squires, Tropila, Tuss, Whitehead.

Total 18

Excused: None.

Total 0

Absent or not voting: Smith.

Total 1

SB 205 concurred in as follows:

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Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 98

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Simpkins, Smith.
Total 2

SB 219 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cocchiarella, Curtiss, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 83

Noes: Brainard, Cobb, DeBruycker, Devaney, Hayne, Heavy Runner, Kasten, Keenan, McGee, Orr, Prouse, Rehbein, Story, Vick, Wagner.
Total 15

Excused: None.
Total 0

Absent or not voting: McCann, Smith.
Total 2

SB 224 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bookout, Clark, Cobb, Curtiss, DeBruycker, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, Masolo, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Prouse, Quilici, Rehbein, Rose, Simon, Simpkins, Sliter, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.
Total 60

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Noes: Arnott, Barnhart, Bohlinger, Brainard, Carey, Cocchiarella, Denny, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, R. Johnson, Kottel, Krenzler, Lawson, McCann, McCulloch, Molnar, Pease, Peck, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.

Total 39

Excused: None.

Total 0

Absent or not voting: Smith.

Total 1

SB 226 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 77

Noes: Arnott, Bergsagel, Boharski, Brainard, Curtiss, DeBruycker, Denny, R. Johnson, Jore, Kasten, Keenan, McGee, Molnar, Mood, Orr, Prouse, Rehbein, Sliter, Soft, Vick, Wagner, Wells.

Total 22

Excused: None.

Total 0

Absent or not voting: Smith.

Total 1

SB 234 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnhart, Beaudry, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 80

Noes: Arnott, Barnett, Bergman, Bergsagel, Boharski, Curtiss, DeBruycker, Hayne, R. Johnson, Jore, Kasten, Keenan, McGee, Orr, Prouse, Rehbein, Vick, Wagner.

Total 18

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Excused: None.
Total 0

Absent or not voting: Smith, Taylor.
Total 2

SB 239 concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Beaudry, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.
Total 78

Noes: Adams, Arnott, Barnhart, Bergman, Bergsagel, Boharski, Brainard, Curtiss, Denny, Grinde, Heavy Runner, Jore, Keenan, McCann, McGee, Orr, Peck, Rehbein, Story, Wagner, Wyatt.
Total 21

Excused: None.
Total 0

Absent or not voting: Smith.
Total 1

SB 244 concurred in as follows:

Ayes: Adams, Ahner, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Clark, Cobb, Cocchiarella, Curtiss, Denny, Dowell, Ellis, Ewer, Feland, Galvin, Grady, Grimes, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, R. Johnson, Jore, Kasten, Keenan, Knox, Kottel, Krenzler, Lawson, Marshall, McCann, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Peck, Prouse, Quilici, Raney, Rehbein, Ryan, Simon, Simpkins, Sliter, Soft, Story, Stovall, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 75

Noes: Anderson, Carey, DeBruycker, Devaney, Ellingson, Gillan, Grinde, Hagener, Harper, J. Johnson, Kitzenberg, Masolo, McCulloch, Pease, Ream, Rose, Sands, Schmidt, Simpson, Squires, Swanson, Tuss, Whitehead.
Total 23

Excused: None.
Total 0

Absent or not voting: Boharski, Smith.
Total 2

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SB 245 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: Barnhart.

Total 1

Excused: None.

Total 0

Absent or not voting: Smith.

Total 1

SB 246 concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellis, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 81

Noes: Adams, Arnott, Bergsagel, Boharski, Brainard, Cobb, Denny, Ellingson, Ewer, Grimes, Jore, Keenan, Molnar, Ohs, Prouse, Rehbein, Vick, Walters.

Total 18

Excused: None.

Total 0

Absent or not voting: Smith.

Total 1

SB 252 concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch,

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Total 79

Noes: Adams, Arnott, Boharski, Brainard, Clark, DeBruycker, Hayne, Heavy Runner, Jore, Kasten, Keenan, McGee, Orr, Peck, Prouse, Rehbein, Story, Taylor, Vick, Wagner.

Total 20

Excused: None.

Total 0

Absent or not voting: Smith.

Total 1

SB 257 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Stovall, Swanson, Tash, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 86

Noes: Curtiss, Jore, Keenan, McCann, McGee, Orr, Peck, Rehbein, Story, Taylor, Trexler, Tuss, Wyatt.

Total 13

Excused: None.

Total 0

Absent or not voting: Smith.

Total 1

SB 259 concurred in as follows:

Ayes: Ahner, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cocchiarella, DeBruycker, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, McCulloch, Menahan, Mills, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Squires, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 64

Noes: Adams, Anderson, Arnott, Bankhead, Boharski, Brainard, Cobb, Curtiss, Denny, Devaney, Grimes, H.S. Hanson, Hayne, Jore, Kasten, Keenan, Masolo, McCann, McGee, Molnar, Mood, Ohs, Orr, Prouse, Rehbein,

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Rose, Sliter, Soft, Story, Taylor, Vick, Wagner, Walters, Wells.
Total 34

Excused: None.
Total 0

Absent or not voting: Hurdle, Smith.
Total 2

SB 263 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 96

Noes: Arnott, Bergsagel, Jore.
Total 3

Excused: None.
Total 0

Absent or not voting: Smith.
Total 1

SB 265 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 97

Noes: Arnott, Brainard.
Total 2

Excused: None.
Total 0

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Absent or not voting: Smith.

Total 1

SB 277 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Brainard, Grinde, Jore, Keenan, Peck, Rehbein.

Total 6

Excused: None.

Total 0

Absent or not voting: Smith.

Total 1

SB 297 concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 84

Noes: Adams, Bergman, Curtiss, DeBruycker, Devaney, Hayne, Jore, Kasten, Keenan, McGee, Orr, Peck, Vick, Wagner, Walters.

Total 15

Excused: None.

Total 0

Absent or not voting: Smith.

Total 1

SB 311 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney,

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Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 98

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Grimes, Smith.
Total 2

SB 313 concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bohlinger, Bookout, Carey, Cocchiarella, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, Menahan, Pavlovich, Pease, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Mr. Speaker.
Total 65

Noes: Adams, Arnott, Bergman, Bergsagel, Bitney, Boharski, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Feland, Grinde, Hayne, Heavy Runner, Jore, Kasten, Keenan, McCann, McGee, Mills, Molnar, Mood, Ohs, Orr, Peck, Prouse, Rehbein, Sliter, Vick, Wagner, Zook.
Total 34

Excused: None.
Total 0

Absent or not voting: Smith.
Total 1

SB 326 concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Dowell, Ellingson, Ellis, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, Kitzenberg, Knox, Kottel, Lawson, Marshall, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schmidt, Simon, Simpkins, Simpson, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 71

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Noes: Adams, Arnott, Barnhart, Bergsagel, Boharski, Brainard, DeBruycker, Denny, Devaney, Ewer, Feland, Grinde, Heavy Runner, R. Johnson, Jore, Kasten, Keenan, Krenzler, Masolo, McGee, Molnar, Prouse, Sands, Sliter, Tuss, Vick, Wagner, Wells.
Total 28

Excused: None.
Total 0

Absent or not voting: Smith.
Total 1

SB 331 concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Clark, Cobb, Cocchiarella, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 74

Noes: Adams, Arnott, Brainard, Carey, Curtiss, DeBruycker, Hayne, R. Johnson, Jore, Kasten, Keenan, Kottel, McGee, Molnar, Orr, Peck, Prouse, Rehbein, Tropila, Tuss, Vick, Wagner, Walters, Wells.
Total 24

Excused: None.
Total 0

Absent or not voting: Grady, Smith.
Total 2

SB 341 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 91

Noes: Boharski, Brainard, DeBruycker, Jore, McGee, Orr, Vick.
Total 7

Excused: None.

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Total 0

Absent or not voting: Molnar, Smith.

Total 2

SB 344 concurred in as follows:

Ayes: Anderson, Bankhead, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 80

Noes: Adams, Ahner, Arnott, Barnett, Boharski, Cobb, Curtiss, DeBruycker, Devaney, Jore, Kasten, Keenan, Orr, Prouse, Vick, Wagner, Walters, Wells.

Total 18

Excused: None.

Total 0

Absent or not voting: Grady, Smith.

Total 2

SB 349 concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Adams, DeBruycker, Jore.

Total 3

Excused: None.

Total 0

Absent or not voting: Smith.

Total 1

SB 361 concurred in as follows:

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Ayes: Ahner, Anderson, Barnett, Barnhart, Beaudry, Bitney, Bohlinger, Carey, Clark, Cocchiarella, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Lawson, Marshall, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 71

Noes: Adams, Arnott, Bankhead, Bergman, Bergsagel, Boharski, Bookout, Brainard, Cobb, Curtiss, DeBruycker, Denny, Devaney, Holland, Jore, Kasten, Keenan, Krenzler, Masolo, McGee, Orr, Prouse, Rehbein, Story, Vick, Wagner, Walters, Wells.
Total 28

Excused: None.
Total 0

Absent or not voting: Smith.
Total 1

SB 375 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 97

Noes: Jore, McGee.
Total 2

Excused: None.
Total 0

Absent or not voting: Smith.
Total 1

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative McGee in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

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Representative Barnhart excused at this time.

SB 275 - Representative Sliter moved SB 275 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Clark, Cobb, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Hibbard, Holland, R. Johnson, Keenan, Knox, Lawson, Marshall, Masolo, McGee, Mills, Molnar, Mood, Ohs, Prouse, Raney, Rose, Ryan, Schmidt, Simon, Sliter, Soft, Swanson, Tash, Taylor, Trexler, Vick, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 54

Noes: Adams, Arnott, Bankhead, Brainard, Carey, Cocchiarella, Curtiss, DeBruycker, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harrington, Hayne, Heavy Runner, Hurdle, J. Johnson, Jore, Kasten, Kitzenberg, Kottel, Krenzler, McCann, McCulloch, Menahan, Orr, Pavlovich, Pease, Peck, Quilici, Ream, Rehbein, Sands, Simpkins, Simpson, Squires, Story, Tropila, Tuss, Wagner, Whitehead, Wyatt.

Total 44

Voted Absentee: Barnhart, Aye.

Excused: None.

Total 0

Absent or not voting: Smith, Stovall.

Total 2

SB 276 - Representative Sliter moved SB 276 be concurred in. Motion failed as follows:

Ayes: Anderson, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Clark, Devaney, Ellis, Ewer, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, R. Johnson, Keenan, Knox, Lawson, Masolo, McGee, Mood, Ohs, Pavlovich, Prouse, Raney, Sands, Simon, Sliter, Soft, Story, Tash, Taylor, Trexler, Vick, Walters, Wiseman, Mr. Speaker.

Total 44

Noes: Adams, Ahner, Arnott, Bankhead, Bergsagel, Brainard, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Dowell, Ellingson, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Holland, Hurdle, J. Johnson, Jore, Kasten, Kitzenberg, Kottel, Krenzler, Marshall, McCann, McCulloch, Menahan, Mills, Molnar, Orr, Pease, Peck, Quilici, Ream, Rehbein, Rose, Ryan, Schmidt, Simpkins, Simpson, Squires, Stovall, Swanson, Tropila, Tuss, Wagner, Wells, Whitehead, Wyatt, Zook.

Total 55

Voted Absentee: Barnhart, Aye.

Excused: None.

Total 0

Absent or not voting: Smith.

Total 1

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Representative Barnhart present at this time.

SB 282 - Representative Beaudry moved SB 282 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Barnett, Barnhart, Beaudry, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Kitzenberg, Knox, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Prouse, Quilici, Raney, Rehbein, Rose, Ryan, Sands, Schmidt, Simpkins, Simpson, Sliter, Soft, Squires, Stovall, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 74

Noes: Arnott, Bankhead, Bergman, Bergsagel, Cobb, Galvin, Gillan, Heavy Runner, Hurdle, Jore, Kasten, Keenan, Kottel, Krenzler, Pease, Peck, Ream, Story, Swanson, Vick, Whitehead, Wyatt.

Total 22

Excused: None.

Total 0

Absent or not voting: Boharski, Feland, Simon, Smith.

Total 4

SB 285 - Representative Walters moved SB 285 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Beaudry, Bitney, Bohlinger, Bookout, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Ellis, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, R. Johnson, Kitzenberg, Knox, Kottel, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Quilici, Raney, Ream, Rose, Sands, Simon, Simpkins, Simpson, Soft, Squires, Stovall, Tash, Trexler, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 67

Noes: Adams, Arnott, Bergman, Bergsagel, Boharski, Brainard, Carey, DeBruycker, Dowell, Ewer, M. Hanson, Heavy Runner, Hurdle, J. Johnson, Jore, Kasten, Keenan, Krenzler, Orr, Peck, Prouse, Rehbein, Ryan, Schmidt, Story, Swanson, Taylor, Tropila, Tuss.

Total 29

Excused: None.

Total 0

Absent or not voting: Barnhart, Grinde, Sliter, Smith.

Total 4

SB 288 - Representative Squires moved SB 288 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady,

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Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 83

Noes: Adams, Arnott, Beaudry, Curtiss, DeBruycker, M. Hanson, Jore, Kasten, Keenan, Orr, Rehbein, Sliter, Vick, Wagner.

Total 14

Excused: None.

Total 0

Absent or not voting: Boharski, Kottel, Smith.

Total 3

SB 296 - Representative Grinde moved consideration of SB 296 be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

SB 304 - Representative Holland moved SB 304 be concurred in.

Representative Ellis moved SB 304, second reading copy, be amended as follows (amendment #1):

1. Title, line 4.

Following: "OWNERSHIP"

Insert: "AND OTHER"

2. Title, line 6.

Following: "CORPORATION"

Strike: "OR"

Insert: ", "

3. Title, line 7.

Following: "COMPANY"

Insert: ", OR DITCH COMPANY".

4. Page 3, line 23.

Following: "(B)"

Insert: "; (r) a person who is an officer or a manager of a ditch company as defined in 27-1-731"

Amendment #1 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergsagel, Bitney, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease,

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Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simpkins, Simpson, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Hagener, Hurdle, Krenzler.

Total 3

Excused: None.

Total 0

Absent or not voting: Bergman, Bookout, Grinde, Simon, Sliter, Smith.

Total 6

Motion to concur in SB 304, as amended, carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Feland, Grady.

Total 2

SB 266 - Representative Ewer moved SB 266 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

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Total 0

Excused: None.

Total 0

Absent or not voting: Grinde, Sliter.

Total 2

SB 286 - Representative Tuss moved SB 286 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 84

Noes: Adams, Arnott, Bergman, Bergsagel, Brainard, DeBruycker, Jore, Kasten, Keenan, Orr, Prouse, Rehbein, Vick, Wagner, Wells.

Total 15

Excused: None.

Total 0

Absent or not voting: Boharski.

Total 1

SB 309 - Representative Trexler moved SB 309 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Adams, Arnott, Jore, McGee.

Total 4

Excused: None.

Total 0

Absent or not voting: None.

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Total 0

SB 314 - Representative Anderson moved SB 314 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Brainard, Clark, Curtiss, DeBruycker, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Marshall, Masolo, McCann, McGee, Mood, Ohs, Orr, Rehbein, Rose, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 57

Noes: Barnhart, Bookout, Carey, Cobb, Cocchiarella, Denny, Devaney, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kitzenberg, Kottel, Krenzler, Lawson, McCulloch, Menahan, Mills, Molnar, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simon, Simpson, Squires, Swanson, Tuss, Whitehead, Wyatt.

Total 43

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 316 - Representative Keenan moved SB 316 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Boharski, Jore, Kasten, Molnar, Vick.

Total 5

Excused: None.

Total 0

Absent or not voting: Mills, Simon, Tash, Whitehead.

Total 4

SB 325 - Representative Mood moved SB 325 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney,

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Dowell, Ellingson, Ellis, Ewer, Feland, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Knox, Kottel, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 88

Noes: Carey, Galvin, Heavy Runner, Kitzenberg, Krenzler, Menahan, Pease, Ryan, Sands, Whitehead, Wyatt.

Total 11

Excused: None.

Total 0

Absent or not voting: Swanson.

Total 1

SB 329 - Representative Kottel moved SB 329 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Paylovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Curtiss, Hayne, Jore, Orr, Walters.

Total 5

Excused: None.

Total 0

Absent or not voting: Grinde.

Total 1

SB 335 - Representative DeBruycker moved SB 335 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

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Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 337 - Representative Story moved SB 337 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Adams, Curtiss, Jore, Orr, Vick, Wagner.

Total 6

Excused: None.

Total 0

Absent or not voting: Heavy Runner.

Total 1

SB 340 - Representative Grimes moved SB 340 be concurred in.

Representative Tropila assumed the Chair at this time.

Motion to concur in SB 340 carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bohlinger, Bookout, Brainard, Clark, Curtiss, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Kasten, Keenan, Knox, Marshall, Mood, Ohs, Peck, Quilici, Rehbein, Rose, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 51

Noes: Adams, Arnott, Barnhart, Bitney, Boharski, Carey, Cocchiarella, DeBruycker, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Jore, Kitzenberg, Kottel, Krenzler, Lawson, Masolo, McCann, McCulloch, Menahan, Molnar, Pavlovich, Pease, Prouse, Raney, Ream,

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Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Wagner, Whitehead, Wyatt.
Total 45

Excused: None.
Total 0

Absent or not voting: Cobb, McGee, Mills, Orr.
Total 4

SB 350 - Representative Sliter moved SB 350 be concurred in.

Representative McGee resumed the Chair at this time.

Representative Clark moved for cloture. Motion carried.

Motion to concur in SB 350 carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Lawson, Marshall, Masolo, McCann, McGee, Mills, Molnar, Mood, Ohs, Orr, Prouse, Rehbein, Rose, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.
Total 63

Noes: Barnhart, Bohlinger, Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kitzenberg, Kottel, Krenzler, McCulloch, Menahan, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.
Total 36

Excused: None.
Total 0

Absent or not voting: Simon.
Total 1

SB 365 - Representative Grimes moved SB 365 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 89

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Noes: Adams, Bankhead, Boharski, Carey, DeBruycker, Jore, Prouse, Ryan, Smith, Vick, Wagner.
Total 11

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 368 - Representative Pavlovich moved SB 368 be concurred in.

Representative Wyatt moved SB 368, second reading copy, be amended as follows (amendment #1):

1. Title, line 6.

Following: "FEES:"

Insert: "REQUIRING IN-STATE MANUFACTURERS TO SELL IN THIS STATE;"

2. Page 4, line 24.

Insert: "(4) A licensed manufacturer that manufactures video gambling machines or associated equipment in this state shall offer the machines or associated equipment for sale to any person in this state legally entitled to purchase the machines or equipment. The department shall take appropriate action under 23-5-136 against a manufacturer that fails to comply with this subsection or that sells or offers for sale a machine or associated equipment in this state at a price that is unjustifiably higher than the price charged outside of this state for the same or a comparable machine or associated equipment."

Amendment #1 passed as follows:

Ayes: Anderson, Barnhart, Beaudry, Bergman, Bergsagel, Carey, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Hagener, H.S. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Krenzler, McCann, McCulloch, Menahan, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Wagner, Whitehead, Wiseman, Wyatt.
Total 55

Noes: Adams, Ahner, Arnott, Bankhead, Barnett, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Denny, Grimes, Grinde, M. Hanson, Hayne, Holland, Jore, Kasten, Kottel, Lawson, Marshall, Masolo, McGee, Mills, Molnar, Mood, Ohs, Orr, Prouse, Rehbein, Rose, Simon, Simpkins, Sliter, Smith, Soft, Taylor, Vick, Walters, Wells, Zook, Mr. Speaker.
Total 44

Excused: None.
Total 0

Absent or not voting: Grady.
Total 1

Motion to concur in SB 368, as amended, failed as follows:

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Ayes: Beaudry, Bergman, Carey, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Feland, Galvin, Gillan, Grady, H.S. Hanson, Harper, Harrington, Hibbard, J. Johnson, Kitzenberg, Kottel, Krenzler, Lawson, Masolo, McCulloch, Menahan, Pavlovich, Pease, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Squires, Story, Stovall, Swanson, Trexler, Tropila, Tuss, Whitehead, Wiseman, Wyatt.

Total 45

Noes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, Ewer, Grimes, Grinde, Hagener, M. Hanson, Hayne, Heavy Runner, Holland, Hurdle, R. Johnson, Jore, Kasten, Keenan, Knox, Marshall, McCann, McGee, Molnar, Mood, Ohs, Orr, Peck, Prouse, Rehbein, Rose, Simon, Simpkins, Sliter, Smith, Soft, Tash, Taylor, Vick, Wagner, Walters, Wells, Zook, Mr. Speaker.

Total 54

Excused: None.

Total 0

Absent or not voting: Mills.

Total 1

SB 369 - Representative Kottel moved SB 369 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: Jore, Marshall, Rose.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 378 - Representative Grinde moved consideration of SB 378 be placed at the bottom of the second reading board. Motion carried.

SB 379 - Representative Pavlovich moved SB 379 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington,

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Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Adams, Brainard, Curtiss, Jore, Orr, Prouse, Wagner.

Total 7

Excused: None.

Total 0

Absent or not voting: Swanson.

Total 1

SB 381 - Representative Simon moved SB 381 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: Carey, Hurdle, Raney.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 383 - Representative Molnar moved SB 383 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Devaney, Dowell, Ellingson, Ellis, Ewer, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Sliter, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 82

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Noes: Adams, Boharski, Brainard, DeBruycker, Denny, Feland, Galvin, Hurdle, Jore, Orr, Prouse, Ream, Rehbein, Simpson, Smith, Story, Vick, Whitehead.

Total 18

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 273 - Representative Story moved SB 273 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Ellis, Ewer, Feland, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Dowell, Galvin, Heavy Runner, Hurdle, Pease, Whitehead.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 283 - Representative Grinde moved SB 283 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Galvin, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Peck, Prouse, Quilici, Raney, Rehbein, Rose, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 75

Noes: Carey, Cocchiarella, Dowell, Ellingson, Ewer, Hagener, Harper, Harrington, Heavy Runner, Hurdle, Kottel, Krenzler, McCann, McCulloch, Pease, Ream, Ryan, Sands, Schmidt, Squires, Swanson, Tuss, Whitehead, Wyatt.

Total 24

Excused: None.

Total 0

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Absent or not voting: Hibbard.
Total 1

Representative Tropila assumed the Chair at this time.

SB 284 - Representative Denny moved SB 284 be concurred in.

Representative Story moved SB 284, second reading copy, be amended as follows (amendment #1):

1. Page 3.

Following: line 20

Insert: "NEW SECTION. Section 7. Saving clause. (1) [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

(2) A proceeding under [section 1] initiated prior to [the termination date of this act] but not completed prior to [the termination date of this act] is not terminated by the termination of [this act] but must continue under [section 1] as it read prior to termination until the proceeding is concluded."

Amendment #1 passed as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 98

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Arnott, Bergsagel.
Total 2

Motion to concur in SB 284, as amended, carried as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

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Total 92

Noes: Arnott, Jore, Masolo, McCann, Rehbein, Taylor.

Total 6

Excused: None.

Total 0

Absent or not voting: Grimes, Harrington.

Total 2

SB 339 - Representative Swanson moved SB 339 be concurred in.

Representative Swanson moved SB 339, second reading copy, be amended as follows (amendment #1):

1. Title, line 5.

Strike: ", 76-3-201,"

2. Page 3, line 23 through page 4, line 8.

Strike: Section 2 in its entirety

Renumber: subsequent sections

3. Page 6, line 8.

Following: "TO"

Insert: "tracts of record for"

Following: "SUBDIVISIONS"

Insert: "filed before [the effective date of this act]"

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Adams, Feland, Jore, Prouse.

Total 4

Excused: None.

Total 0

Absent or not voting: McGee, Squires, Vick, Wagner, Whitehead.

Total 5

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Representative McGee moved SB 339, second reading copy, be further amended as follows (amendment #2):

1. Page 2, line 27.

Strike: "NOTWITHSTANDING 43 U.S.C. 753, AN"

Insert: "An"

Amendment #2 passed as follows:

Ayes: Adams, Anderson, Arnott, Bankhead, Barnett, Barnhart, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Curtiss, Denny, Devaney, Ellingson, Ellis, Ewer, Galvin, Grimes, Grinde, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 87

Noes: Ahner, Cocchiarella, DeBruycker, Dowell, Feland, Gillan, Grady, Hagener, M. Hanson, Hurdle, Masolo, Taylor.
Total 12

Excused: None.
Total 0

Absent or not voting: Beaudry.
Total 1

Motion to concur in SB 339, as amended, carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 95

Noes: Adams, Boharski, DeBruycker, Jore, Prouse.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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SB 342 - Representative Smith moved SB 342 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellis, Ewer, Feland, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 83

Noes: Adams, Arnott, Boharski, Brainard, DeBruycker, Heavy Runner, Hurdle, Jore, Kasten, Keenan, Prouse, Whitehead.

Total 12

Excused: None.

Total 0

Absent or not voting: Ellingson, Galvin, Grinde, Mills, Sliter.

Total 5

Representative McGee resumed the Chair at this time.

SB 89 - Representative Simon moved SB 89 be concurred in.

Representative Tuss moved SB 89, second reading copy, be amended (amendment #1). Motion failed as follows: (21-77)

Motion to concur in SB 89 carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: Ellingson, Jore.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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HB 604 - Representative Grinde moved consideration of HB 604 be placed at the top of the second reading board.
Motion carried.

HB 604 - Representative Harper moved HB 604 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Adams, Arnott, Grimes, McGee, Rehbein, Soft, Whitehead.

Total 7

Excused: None.

Total 0

Absent or not voting: Ellis, Kitzenberg, Ohs.

Total 3

SJR 5 - Representative Bergsagel moved SJR 5 be concurred in.

Representative Bergsagel moved SJR 5, second reading copy, be amended as follows (amendment #1):

1. Title.

Following: line 8

Insert: "AND YOUTHS WHO HAVE COMMITTED OFFENSES"

2. Page 1, line 19.

Following: "offenders"

Insert: "and juvenile offenders"

3. Page 2, line 9.

Following: "offenders"

Insert: "and juvenile offenders"

4. Page 2, line 10.

Following: "offenders"

Insert: "and juvenile offenders"

5. Page 2, line 14.

Following: "offenders"

Insert: "and juvenile offenders"

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6. Page 2, line 15.

Strike: "THAT"

7. Page 2, line 16.

Strike: "AREA"

Insert: "those areas"

Amendment #1 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Marshall, McCann, McCulloch, McGee, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Prouse, Raney, Rehbein, Schmidt, Simpkins, Sliter, Squires, Story, Stovall, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 75

Noes: Cocchiarella, Dowell, Ellingson, Ewer, Gillan, Harrington, J. Johnson, Krenzler, Lawson, Masolo, Menahan, Peck, Quilici, Ream, Ryan, Sands, Simpson, Smith, Soft, Swanson, Tuss.

Total 21

Excused: None.

Total 0

Absent or not voting: Clark, Molnar, Rose, Simon.

Total 4

Motion to concur in SJR 5, as amended, carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Adams, Jore, Orr.

Total 3

Excused: None.

Total 0

Absent or not voting: Schmidt.

Total 1

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SJR 8 - Representative Sands moved SJR 8 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 83

Noes: Adams, Bergman, Boharski, DeBruycker, Feland, Hayne, Jore, Kasten, Keenan, Orr, Prouse, Rehbein, Simpkins, Smith, Vick, Walters, Wells.

Total 17

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SJR 9 - Representative Anderson moved SJR 9 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Adams, Bergman, Boharski, Brainard, Jore, McGee, Orr, Prouse.

Total 8

Excused: None.

Total 0

Absent or not voting: Vick.

Total 1

SJR 10 - Representative Smith moved SJR 10 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Dowell, Ellingson, Ellis, Ewer, Galvin, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann,

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McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.
Total 85

Noes: Barnhart, Boharski, Devaney, Feland, Gillan, R. Johnson, Jore, Kasten, Keenan, Prouse, Rehbein, Story, Trexler, Wyatt.
Total 14

Excused: None.
Total 0

Absent or not voting: Grady.
Total 1

SJR 12 - Representative Grimes moved SJR 12 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 88

Noes: Adams, Arnott, Bergman, Jore, Orr, Rehbein, Vick, Walters, Wells.
Total 9

Excused: None.
Total 0

Absent or not voting: Kasten, Molnar, Simon.
Total 3

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman McGee moved that the Committee of the Whole report be adopted.

Representative Pavlovich made a substitute motion SB 368 be segregated from the Committee of the Whole report and the remainder of the report be adopted. Motion carried.

Representative Sliter made a substitute motion SB 276 be segregated from the Committee of the Whole report and the remainder of the report be adopted. Motion carried. (64-33)

MOTIONS

Representative Grinde moved the rules be suspended to permit placement and consideration of HB 604 on third

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reading this legislative day. Motion carried.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 604 passed as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Adams, Arnott, Grimes, McGee, Rehbein, Soft, Whitehead.

Total 7

Excused: None.

Total 0

Absent or not voting: McCann.

Total 1

MOTIONS

SB 224 - Representative Kottel moved she be allowed to change her vote on SB 224, third reading, from aye to nay. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 8:00 a.m., Saturday, April 5, 1997. Motion carried.

House adjourned at 3:14 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

